

**TOWN OF ULYSSES  
PLANNING BOARD  
MINUTES  
07/01/14**

*Approved: 4/7/15*

**Present:** Chairperson John Wertis, **Board Members:** David Blake, Richard Garner, Andy Rice, Sarah Adams; **Town Board Liaison:** Richard Goldman

**Applicants:** Lance Gates

**Members of the Public:** Jerry Lilly, Julianne Wrolstad, Tom and Betsy Salm, Deborah Jones, Dave Irish, Cheryl Thompson

**Call to Order:** Mr. Wertis called the meeting to order at 7:00pm.

**Privilege of the Floor:** no one from the public spoke.

**Public Hearing: Gates Major Subdivision for Krums Corners Road**

The subdivision application was received by the Town on May 14, 2014 and discussed at the June 3, 2014 Town Planning Board meeting. Sale of one of the parcels is pending approval of the subdivision.

Mr. Gates said the majority of the property is farmland and will remain as such. He intends to sell a portion of the woods, which requires a 50 foot-long access road.

Tom and Betsy Salm intend to purchase the wooded parcel from Mr. Gates. They currently live in a large, historical home in Covert and need to downsize. They would like to build a one-story, 1,500 to 2,000 square-foot house in the wooded parcel. Mr. Salm said they have no intention of clear-cutting the property, and they will not purchase the land if they cannot utilize it to their liking. Addressing a prior question concerning a culvert by a nearby creek, Mr. Salm recognized that the property requires a significant culvert that will not wash out following heavy rains. However, he said a number of concerns, including the specific size of the culvert, are on hold pending action by the Planning Board. Mrs. Salm added that they are being ecologically mindful of future development of the parcel. The couple's future home will not be modular.

Deborah Jones of Perry City Road read a prepared statement. Mr. Gates's property abuts her property. She said local governments and citizens need to be wise stewards of the land. Subdivisions result in development, which negatively impacts the environment and natural resources. It jeopardizes wildlife, aquifers, ground water run off, and stresses septic systems. Light pollution is another concern. Subdivisions for development have resulted in agricultural lands being lost forever. She suggested mini conservation districts in Ulysses to preserve agricultural lands. Subdividing farmland is not good land use. She requested a moratorium on all Town subdivisions until Ulysses crafts and implements a final land use policy.

Mr. Irish is the realtor working with the Salm's. Having been involved with hundreds of transactions, he said both the Salm's and Mr. Gates are two responsible parties who intend to preserve the property. There will be no destruction of farmland, now or in the future.

Ms. Wrolstad noted the serenity and beautiful views around Krums Corners and would hate to lose those qualities. She would hate to see the area developed like the east side of Cayuga Lake, which resembles suburban sprawl.

Ms. Thompson said the potentially developed parcel is currently a very delicate, lovely wooded area. It is wise to think about leaving some of the land alone.

Mr. Wertis said, in the near future, the Town would be working on a Farmland Protection Plan and putting some things into action. The Town also plans to begin updates on Zoning for agricultural and residential districts.

Mr. Wertis closed the public hearing.

### **SEQR Resolution**

Mr. Wertis MADE the MOTION to approve the SEQR Resolution, and Mr. Blake SECONDED the MOTION as follows:

#### WHEREAS:

1. This is consideration of Preliminary and Final Subdivision Approval for the proposed three-lot subdivision located on Krums Corners Rd, north of Perry City Rd, Tax Parcel Number 26.-2-10.1, A1-Agricultural District; Gates Acres LLC, owner; Lansing Gates, agent; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting in this uncoordinated environmental review with respect to Subdivision Approval; and
3. The Planning Board, on July 1, 2014, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, Parts 2 and 3, prepared by Town staff, and other application materials; and
4. The Town Zoning Officer has recommended a negative determination of environmental significance with respect to the proposed Subdivision Approval;

#### NOW THEREFORE BE IT RESOLVED:

That the Town of Ulysses Planning Board hereby makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and, therefore, an Environmental Impact Statement will not be required.

The vote was as follows:

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

**Result:** SEQR Resolution approved

**Resolution for Subdivision Approval**

Mr. Wertis MADE the MOTION to approve the subdivision, and Ms. Adams SECONDED the MOTION as follows:

WHEREAS:

1. The Town of Ulysses adopted zoning regulations in Local Law No. 3 of 2013 include Article XXI – Land Subdivision Regulations, Section 21.3 establishing criteria for Subdivision Procedures; and
2. The 2013 Town of Ulysses Agriculture and Farmland Protection Plan recommends flexibility in designating building lots on the least productive farmland; and
3. The proposed Subdivision is located on Krums Corners Rd, north of Perry City Rd, Tax Parcel Number 26.-2-10.1 , A1-Agricultural District; Agent, Lansing Gates, for owner Gates Acres LLC; and
4. The lots created by the proposed Subdivision meet the zoning requirements; and
5. This is an Unlisted Action for which the Town of Ulysses Planning Board, on July 1, 2014, has made a negative determination of environmental significance with respect to this project, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2 and 3; and
6. The Planning Board, at a Public Hearing on July 1, 2014, has reviewed and accepted as adequate the map entitled, “Survey Map Showing Portion of Lands of Gates Acres LLC, Located on Perry City Road, Town of Ulysses, Tompkins County, New York,” dated 4/29/2014, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
7. Zoning Law Sections 21.3.5.1 and 21.3.23 allow the Planning Board to waive subdivision requirements, where it finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of lack of connecting facility adjacent or in proximity to the proposed subdivision; and

8. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review;

THEREFORE IT IS HEREBY RESOLVED,

1. For the foregoing reasons, the Planning Board determines that certain requirements of the subdivision regulations are not required to protect the public health, safety and general welfare, and the proposed subdivision review process is more similar to Minor than Major Subdivision Review, and hereby waives a portion of the Major Subdivision Application Fee of \$300; and
2. That the Town of Ulysses Planning Board hereby waives certain requirements for Preliminary and Final Subdivision Approval, as shown on the Subdivision Checklist, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of subdivision control nor the policies enunciated or implied by the Town Board; and
3. That the Planning Board of the Town of Ulysses hereby approves the Subdivision, as shown on the map entitled, "Survey Map Showing Portion of Lands of Gates Acres LLC, Located on Perry City Road, Town of Ulysses, Tompkins County, New York," dated 4/29/2014, by T.G. Miller P.C. Engineers and Surveyors, with the submission of a plat that correctly identifies the "A, B, C Parcels;" and
4. That any development on Parcels A and B, flag lots, will require Site Plan Review by the Planning Board.

The vote was as follows:

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

**Result:** Subdivision approved.

**Town Board Liaison Report**

Mr. Goldman said the Town Board has been discussing whether or not to reduce the number of Planning Board seats from seven to five. Planning Board member Brian Cutler recently resigned. Mr. Goldman said there is a portion of the Town Board that feels it is difficult to recruit seven members. Mr. Wertis said he is against downsizing, in part because there is a greater chance of a quorum with a larger board. Where does the question of efficiency come from? He asked. Reading a prepared statement to be sent to Town Supervisor Liz Thomas, Mr. Wertis said the Planning Board should be more deliberative than efficient.

Ms. Adams said she would like the Planning Board to continue with seven members simply because more people are involved in Board matters.

Mr. Garner said it is a question of how broad the Planning Board's representation should be to best reflect the Town. He also noted that seven members gives the Planning Board more flexibility to achieve a quorum.

Mr. Rice said three members have left the Planning Board in his short time on the Board. There have been a number of tasks assigned to the Planning Board recently. The more members, the better, but he added that there are concerns with larger boards, including the amount of time dedicated to member training.

Mr. Blake said he responded to the Town Supervisor, saying he has worked with several municipalities in the past. The boards that worked the most successfully were all five-person boards. One was a nine-member board, and it was a disaster. Getting all nine members in the same room was the major concern while board consensus was another.

A discussion of alternate members ensued. Mr. Wertis asked about the process for seeking additional Planning Board members and was informed that a notice is posted in the local newspaper and on the Town's website. He requested each Planning Board member respond back to the Town Supervisor.

The Board's discussion then turned to its general operations, individual concerns and the make-up of the board.

Mr. Garner said the Board will eventually need some guidance when it begins work on Zoning issues, some of which were laid out by Ms. Jones during the public hearing. He pointed out the Planning Board's recent decision concerning Cayuga Compost, in which outside experts were brought in to advise and educate the Board on the matter. Money and time appear to be the major hurdles in achieving that sort of insight on a regular basis.

Mr. Goldman requested the Planning Board put in a financial request during the ensuing budget season.

Ms. Adams shared her concern regarding process. She said the issue of cottage industry, and specific language regarding it, was brought before the Town Board, yet the Planning Board had not been consulted first.

### **Zoning Issues**

Mr. Wertis said there is a fault in the Town's Zoning regarding subdivisions. As it stands, the Planning Officer must determine whether the requested subdivision is simple, minor or major. The two difficulties are simple versus minor subdivisions and major subdivisions involving large parcels. The language related to the process is geared to some suburban type of subdivision. When the Gates subdivision came up, Environmental Planner Darby Kiley met with the town

lawyer, and Ms. Kiley was advised on what should be omitted in Town review. Mr. Wertis suggested passing a resolution along to the Town Board, requesting a change to the beginning stages of subdivision review. Under the resolution, the Town Environmental Planner and the Planning Board Chairman would recommend to the Town Board what should be omitted during Town review of subdivisions. For next meeting, Mr. Wertis requested the Planning Board discuss with Ms. Kiley changing the whole Zoning section regarding subdivisions and omissions from Town review.

The Board then generally discussed cottage industry. Ms. Adams said she was not prepared to discuss the issue at length.

Mr. Wertis said he has comprised a three-page list of Town enterprises that utilize some kind of signage to their business. The question is how many of those enterprises are cottage industries.

### **Vice Chair of the Planning Board**

Mr. Wertis shared his thought that anyone on the Planning Board should be able to serve as chair and vice chair. Mr. Blake suggested Ms. Adams because she has the most familiarity with the community and has served longest on the Planning Board. Ms. Adams said she would serve as Vice Chair so long as each member is capable of stepping into the role as needed.

Mr. Garner MADE the MOTION to name Ms. Adams as Vice Chair of the Planning Board, and Mr. Wertis SECONDED the MOTION. The vote was approved unanimously.

**Result:** Ms. Adams elected Vice Chair of the Planning Board.

Mr. Goldman suggested a joint meeting among the Town Board and Planning Board in order to brainstorm ideas. The general consensus from the Planning Board was that a joint meeting was a good idea, and it was recommended to also include the Board of Zoning Appeals in on the future meeting.

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

The meeting was adjourned at 8:40 p.m.

Respectfully submitted by Louis A. DiPietro on March 27, 2015.