

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
April 7, 2015**

Approved: April 21, 2015

Present: Chairperson John Wertis, Board Members: Sarah Adams, David Diaz, Andy Rice, board alternate Craig Salino, who was named a voting member in place of David Blake; **Environmental Planner** Darby Kiley; **Town Board Liaison** Richard Goldman

Excused: David Blake

Members of the Public Present: Bret Seafuse, Umit Sirt, and Brent Katzmann.

Call to Order at: 7:01 p.m.

Agenda Review; Minutes Review (03/17/2015; 07/01/2014)

Mr. Rice asked about the agenda regarding the types of materials reviewed by the Planning Board having previously discussed dedicating the first meeting of each month to public matters and the second meeting dedicated to board matters. The evening's agenda included both public and board matters. Ms. Kiley said both the Town Planner and Planning Board Chair develop agendas, as previously decided by the Planning Board. Ms. Adams suggested the Board take up the discussion over agenda development at its next meeting. The Board would address the projects being considered, but Board members may not have the time and energy to discuss general items later in the evening.

Mr. Rice MADE the MOTION to approve the March 17, 2015 meeting minutes with a minor correction, and Mr. Diaz SECONDED the MOTION. The minutes were unanimously approved.

Mr. Wertis MADE the MOTION to approve the July 1, 2014 meeting minutes with a minor correction, and Mr. Rice SECONDED the MOTION. The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Rice AYE
Mr. Diaz ABSTAINED
Mr. Salino ABSTAINED

Mr. Diaz and Mr. Salino abstained from the vote because they were not Board members at the time of the meeting.

Result: Meeting minutes for March 17, 2015 and July 1, 2014 approved.

Privilege of the Floor: There were no public comments.

Consideration of Site Plan Review for the proposed sign modification for ShurSave/Trumansburg Wine and Spirits, located at 2085 Trumansburg Rd, Town of Ulysses, Tax Parcel Number 13.-3-2, B1-Business District. The proposal is to add a 32 ± square foot sign for Trumansburg Wine and Spirits on the existing 45 square foot ShurSave Sign at the entrance drive. JBS Management Planning, LLC, owner; Bret Seafuse, applicant/agent.

Mr. Seafuse said he would like to bring the current Trumansburg Wine and Spirits in line with zoning laws. By next year, he would like to redo the entire ShurSave roadside sign to include Trumansburg Wine and Spirits. For now, he asked that the Board approve the wine store's sign. He would like to move the 32-square foot sign from off the ground and mount it to the pre-existing ShurSave roadside sign.

Ms. Adams said she would like it if, in the future, Mr. Seafuse and the Planning Board collaborate on ideas to combine both the ShurSave and gas station signs that currently sit by the route 96 entrance. She asked if the Board would consider a timeline on the wine store sign, perhaps a year, at which time Mr. Seafuse would have something more permanent.

Mr. Seafuse noted that the signage, as designed, meets all of the Town's Zoning criteria and that he really does not have to do anything else because of that fact.

Mr. Diaz asked what the Planning Board was to consider, seeing as though the proposed sign design conforms with Town Zoning. Ms. Kiley explained that sign alterations require Site Plan Approval from the Planning Board.

A discussion over temporary versus permanent signage ensued. It was noted that Town Zoning does not fully address signage, and Mr. Wertis said signage is an area within Town Zoning that could use improvements.

Mr. Seafuse said his intent is to have an entirely new sign at some point, but there are a couple of concerns. First, he is hesitant to commission a new sign because the plaza is not fully occupied. Additional space could accommodate another business, and he would prefer to include the future tenant on the roadside sign. Second, signs are expensive, and Mr. Seafuse has found that finding a business to design a sign is not easy. He said he does not want to see a time limit on the proposed sign configuration.

Mr. Goldman asked if there was a way to approve the current request pending a rewrite of the Town's sign ordinance. Once the ordinance is rewritten, the signage would then fall under the new guidelines.

Ms. Adams said the Planning Board can do that in Site Plan Review. But if the ShurSave request is considered a Site Plan Review, it should be presented as such. Usually, the Planning Board has detailed materials, like blueprints. Ms. Kiley referenced Board materials that included sign dimensions. Mr. Wertis pointed to the resolution, which states that any future changes to the entrance driveway sign would require Site Plan Approval.

Mr. Seafuse said he understood any future change in the sign would require action by the Planning Board. However, as proposed, the sign conforms with Town Zoning.

Mr. Wertis MADE the MOTION to approve the resolution for site plan approval, and Mr. Salino SECONDED the MOTION as follows:

WHEREAS:

1. This action is consideration of Site Plan Approval for a 32 + square foot Trumansburg Wine and Spirits sign located at the entrance of 2085 Trumansburg Rd, Town of Ulysses Tax Parcel Number 13.-3-2, B1-Business District. The sign, not to exceed 32 square feet, would be located below the existing freestanding ShurSave sign. JBS Management Planning, LLC, owner; Bret Seafuse, applicant/agent; and
2. The Planning Board reviewed and accepted as adequate Site Plan materials including sign sketch and photos;

THEREFORE BE IT RESOLVED

1. That the Planning Board of the Town of Ulysses hereby waives the public hearing; and
2. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of site plan control nor the policies enunciated or implied by the Town; and
3. That the Planning Board of the Town of Ulysses hereby grants Site Plan Approval for the Trumansburg Wine and Spirits Sign with dimensions not to exceed 32 square feet and located either on the ground in line with or on the pole of the existing ShurSave freestanding sign at the entrance driveway; and
4. That any future change to the entrance driveway sign requires Site Plan Approval.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams ABSTAINED
Mr. Rice AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: Site Plan approved

Ms. Adams asked for clarification on the process for Site Plan Review. She did not feel the proposal was being presented to the Board in the normal fashion of a Site Plan Review.

Consideration of SEQR and Simple/Minor Subdivision (2-lot) approval for 1045 and 1071 Perry City Rd, Tax Parcel Number 32.-1-4.2; Conservation District. The proposal includes a two-lot subdivision of an existing 51.75 ± acres into one lot with 3.86 ± acres and the remaining lands with 47.89 ± acres. On 2/18/15, the proposed 3.86 ± acre lot received area variances for lot area deficiencies. Richard and Connie Evans, Owners; Courtney Royal and Umit Sirt, applicants/agents.

Mr. Sirt told the Planning Board of his intentions to purchase 3.86 acres of land off Perry City Road. The subdivision proposal requests that the 3.86 acres be split from the master parcel of 51 acres. The Town's Board of Zoning Appeals recently approved Sirt's variance request, because the 3.86 acres falls below the 5-acre subdivision minimum as stated in Town Zoning.

Reviewing the Short Environmental Assessment Form, Mr. Wertis requested the Board further discuss the issue of erosion since Mr. Sirt intends to construct a home on the property. His concern was over the cumulative effect of erosion.

Ms. Adams and Mr. Diaz requested the Board instead complete the SEQR review, with Mr. Diaz adding that the issue of erosion should be discussed as part of the Board's larger conversation concerning Zoning updates. Ms. Kiley added that Part III of the Short Environmental Assessment Form allows for additional comments. Mr. Wertis felt Part III was too general and not specific to cumulative effects of erosion. He proposed passing along his additional comments to the applicant. His proposal failed for a lack of a second.

Resolution for SEQR

Mr. Diaz MADE the MOTION to approve the resolution for SEQR, and Mr. Rice SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Simple Subdivision Approval following Minor Subdivision procedures for the proposed two-lot subdivision located at 1045 and 1071 Perry City Rd, Tax Parcel Number 32.-1-4.2, CD-Conservation District; Richard and Connie Evans, Owners; Courtney Royal and Umit Sirt, Applicants/Agents; 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 April 7, 2015, 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
Ms. Adams AYE
Mr. Rice AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: SEQR approved.

Resolution for Simple/Minor Subdivision Approval

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

WHEREAS:

1. The Town of Ulysses adopted subdivision regulations in the Zoning Law, most recently amended by Local Law No. 3 of 2014, which includes Article XXI – Land Subdivision Regulations, Section 21.3 establishing Subdivision Procedures; and
2. The Owners, Richard and Connie Evans, and Agents for the Owner, Courtney Royal and Umit Sirt, submitted the required documents, and paid the fees for a Simple Subdivision on Perry City Rd; and
3. The proposed Subdivision is located at 1045 and 1071 Perry City Rd, Tax Parcel Number 32.-1-4.2, CD-Conservation District; and
4. On February 18, 2015, one of the lots created by the proposed Subdivision was granted an area variance for the lot area and the remaining lot dimensions meet the zoning requirements; and
5. This is an Unlisted Action for which the Town of Ulysses Planning Board, on April 7, 2015, 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 meeting on April 7, 2015, has reviewed and accepted as adequate the map entitled, “Survey Map Showing Portion of Lands of Richard J. &

Connie R. Evans, Located on Perry City Rd, Town of Ulysses, Tompkins County, New York,” dated 3/04/2015, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and

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

8. The Planning Board hereby waives the public hearing;

THEREFORE IT IS HEREBY RESOLVED,

1. 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

2. That the Planning Board of the Town of Ulysses hereby approves the Simple Subdivision, as shown on the map entitled, “Survey Map Showing Portion of Lands of Richard J. & Connie R. Evans, Located on Perry City Rd, Town of Ulysses, Tompkins County, New York,” dated 3/04/2015, by T.G. Miller P.C. Engineers and Surveyors.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams AYE
Mr. Rice AYE
Mr. Diaz AYE
Mr. Salino AYE

Result: Subdivision approved.

Discussion of Solar and Wind Power Regulations

Since the Board’s last meeting, Ms. Kiley has meet with several solar energy professionals and municipal planners and learned of a general push for larger solar projects because of a federal tax credit that runs through the end of 2016. Massachusetts has an ordinance that they are recommending that incorporates solar into Zoning based on kilowatt size. Locally, Ms. Kiley believes the municipalities in Tompkins County should work together to determine appropriate sizing numbers. Based on the Massachusetts model, Ms. Kiley offered her thoughts on how to incorporate solar specifications into Town Zoning: roof-mounted arrays as well as small-scale (defined as 0-50kW), ground-mounted systems are allowable as accessory use with a Building Permit; medium-scale (50-250kW), ground-mounted systems are allowable either with a Building Permit or Site Plan Review depending on Zoning District; large-scale (> 250kW), ground-mounted systems require Site Plan Review (with the Town possibly prohibiting large scale systems in certain Districts). Ms. Kiley met with Melissa Kemp, formerly of Solar

Tompkins and now with Renovus Energy, who is developing a county map of areas that could accommodate large-scale solar systems based on the existing power lines.

Responding from a concern from Mr. Wertis about the visual impact of solar on the surrounding environment, Ms. Kiley said the Town could choose to add a square-footage element to the standards. She added that the Massachusetts standards include provisions that prohibit Towns from rejecting solar projects on the basis of aesthetics.

Discussion/Report on Agricultural Meeting held on March 25, 2015

Mr. Wertis provided a brief report on a recent meeting to recruit members to the Town's Ag Advisory Committee, which would provide input on Zoning updates in the A1 and R1 Districts.

Discussion on Zoning Amendments Grant from NYSERDA Cleaner Green Communities

Ms. Kiley provided an overview of the scope of work the Town had requested through the NYSERDA grant application. The Hamlet of Jacksonville is one focus area of the Zoning updates, primarily because Hamlet residents regularly attend Town Board meetings to voice their concerns with dilapidated area properties. The Town was awarded \$40,000 in grant funding, with the Town providing \$15,000 of its own funds.

Ms. Adams asked what the timeline is for Town Board and Planning Board members or any other stakeholders to make suggestions on focus areas. Ms. Kiley said it is not typical for the Town to ask the Planning Board to review Town contracts. Mr. Diaz noted that the Planning Board is not mentioned in the work scope, which, by the omission, suggests that the Planning Board may not be involved. Addressing his comment to Mr. Goldman, Mr. Wertis requested the Planning Board be involved where appropriate so as not get any surprises. For the past three months, the Planning Board has passed along to Ms. Kiley recommended changes and updates to Town Zoning.

Shoring up Zoning in relation to signage was again brought up and briefly discussed. Ms. Kiley stated there may not be enough money to address every concern.

Town Board Liaison Report

Mr. Goldman said certain members of the Town Board are reviewing Code and Zoning enforcement in light of concerns in Jacksonville. There are several properties on Route 96 that are deteriorating. One major concern is that Town Building Code does not have language to deal with multiple single units owned by a single person. The Town Board is looking to strengthen those ordinances, primarily in terms of Zoning Enforcement, since Jacksonville is the gateway to the entire Town. Ms. Adams said the City of Ithaca is dealing with similar concerns – Ithaca has the appropriate language and enforcement but property owners choose not correct the violations.

Review of Attendance and Training Policies

Ms. Kiley reminded the Planning Board that its part-time Clerk, Louis DiPietro, is keeping attendance for each meeting as well as documenting any training sessions that Planning Board members attend. Board members are asked to inform the Clerk of any training seminars, workshops or conferences they attend.

Zoning Standards – Signs and Design Guidelines

Mr. Wertis and Ms. Adams met recently to discuss zoning standards. They circulated a 2008 Design Guidelines document from the Town of Dryden, which was referenced since Dryden's main corridor (Route 13), like Ulysses', is a State highway. Ms. Adams found design guidelines are often not part of Zoning legislation but are referenced as guidelines to be considered. She also referenced Zoning materials from the City of Corning and Town of Westfield, both of which used photos to show allowable and prohibited uses. Ms. Adams will start a library of such documents at the Town Hall. It may save time and money to reference likes and dislikes from these materials when working with the future Zoning consultant. Mr. Wertis said he would be interested to know of municipalities that actually wrote the guidelines into the Zoning law. Ms. Kiley said MRB Group would be a good resource to find such information. A representative of the engineering firm would be attending the Planning Board's next meeting.

Mr. Rice MADE the MOTION to adjourn the meeting, and Mr. Wertis SECONDED the MOTION. The vote was unanimous.

Meeting adjourned at 8:46 p.m.

Respectfully submitted by Louis A. DiPietro on April 9, 2015.