

**TOWN OF ULYSSES  
PLANNING BOARD  
MINUTES  
May 5, 2015**

*Approved: May 19, 2015*

**Present: Chairperson** John Wertis, **Board Members:** Andy Rice, David Blake and board alternate Craig Salino; **Environmental Planner** Darby Kiley; **Town Board Liaison** Richard Goldman; **Town Supervisor** Liz Thomas

**Excused:** David Diaz and Sarah Adams

Mr. Salino was named a voting board member in place of Ms. Adams.

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

**Agenda Review; Minutes Review (04/21/2015)**

Mr. Blake MADE the MOTION to approve the 04/21/2015 meeting minutes, and Mr. Rice SECONDED the MOTION. The vote was as follows:

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

**Result:** 04/21/2015 meeting minutes approved

**Open Development Area: Resolution of the Planning Board of the Town of Ulysses recommending the establishment of an open development area for tax parcel numbers 18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8.**

Mr. Wertis explained that the proposed resolution includes tax parcels 19.21 and 19.22 because the access road in question runs through those parcels. Also, both parcels are developable.

Mr. Wertis MADE the MOTION to approve the resolution, and Mr. Blake SECONDED the MOTION.

Mr. Wertis said he would be more comfortable if the Planning Board provided advice to the Town Board in narrative form rather than the proposed resolution. A narrative approach would give the Planning Board more opportunity to voice different opinions. The proposed resolution does the job but reflects a feeling that the work has already been done for the Planning Board, and that all members need to do is simply approve it. A proper review has not been completed. A better approach would be to outline the standards the Planning Board followed during this particular review and follow those same standards in the future. Fire code standards –

particularly in regard to road weight load – are at the heart of the discussion, and those standards are rather complicated. He asked if the Planning Board aimed to undertake an extensive review of fire code standards and base their recommendations off that review. As written, the proposed resolution does not identify the fire code standards.

Ms. Kiley said the resolution does state the access driveway shall meet the requirements of the 2010 New York State Fire Code relating to fire apparatus access roads.

Responding to Ms. Kiley’s comment, Mr. Wertis said the Planning Board, by approving the resolution, would leave the Town Board to interpret what that actually means. The fire code standards are not laid out in the resolution.

Mr. Goldman said the Town Board would hope the Planning Board would review fire code because Town Board members are unlikely to undertake such a review. By law, the Town Board has to seek advice from the Planning Board on the matter.

Mr. Rice said the Planning Board does not have the appropriate knowledge of fire code to offer sound advice to the Town Board.

Ms. Kiley said the confusion stems from the vague language within the fire code, particularly when it refers to “buildings” and does not specify whether it refers to commercial or residential buildings. Ms. Kiley was unclear as to who from the Town offers “special approval”, a required stipulation in fire code in regard to driveways.

Mr. Wertis said the Trumansburg Fire Chief has stated the department’s fire trucks can access and exit the road in question. The grade of the road is still unknown at this point.

Readdressing Mr. Rice’s concerns, Mr. Goldman felt the Planning Board should seek advice from MRB Group, the Town’s engineering firm.

Mr. Wertis said fire code states the access road should support 36.5 tons.

At what point does the responsibility of conforming to fire code fall to the applicant, Ms. Kiley asked. Questions of conformity should be left to the applicant’s engineer and design professionals. She proposed requesting a proposal from the applicant that would state how they intend to improve the road to meet fire code.

Mr. Wertis said the Town would, in effect, be telling the applicant that the proposed project would cost a lot of money. There would be a question of whether or not that constitutes a taking. Mr. Goldman said it is not a taking if the Town is following code.

Responding to a question from Mr. Blake concerning the Town Board’s preference on how it receives the Planning Board’s recommendations, Mrs. Thomas felt there was no harm in including background information and concerns. The resolution could then be paired with that additional information.

Ms. Kiley noted that the application would have to go through Site Plan Review, at which time the Town's engineer would review it. She prefers to let the applicant's engineer review fire code. Mr. Wertis said the applicant should be made aware of the information within fire code. Mr. Rice asked if the Planning Board intended to incorporate language into the resolution that reflects Ms. Kiley's ideas. The board seemed to reach a consensus that the resolution would be amended to include a stipulation that the applicant and their engineer would be responsible for supplying additional information relating to fire code compliance.

Since weight bearing was a concern, Ms. Kiley suggested asking the Fire Chief about the maximum weight of the department's fire trucks. Mr. Salino said the question seems to be whether or not the Planning Board trusts the opinion of the Fire Chief, who believes the road will be able to handle fire trucks. He suggested raising the question of loading with the Fire Chief.

Mr. Goldman said it is a question of liability. If the Town approves the application as written, the Town opens itself up to a lawsuit if fire trucks are unable to access the properties during an emergency situation in inclement weather.

Mr. Wertis offered that the Planning Board not approve the resolution and instead seek legal counsel on the fire code and review how other towns comply with fire code. In the meantime, the Planning Board could seek further information from the Fire Chief about truck weight.

A conversation then ensued on who would be responsible for paying for potential on-site engineering work. Road grading information is still needed.

The Planning Board reached a consensus to delay action on the proposed resolution. Ms. Kiley intends to inform the applicant there are issues with the application and the Planning Board needs additional information from the applicant. The Town will seek legal counsel on the question of who pays for engineering work, the Town or the applicant. If the Town is to pay, the Town will ask its engineer to review the access road, supply necessary data and also provide guidance as to how other towns have handled fire code standards in regard to Open Development Areas.

Mr. Wertis WITHDREW the MOTION, and Mr. Blake SECONDED the withdrawal.

The Planning Board then reviewed discussion topics for its next meeting on May 19. The Board and Ms. Kiley reached a consensus to make solar projects a priority. Ms. Kiley said she has continued to field phone calls for large solar projects.

Mr. Wertis proposed discussing the requirements for construction on farms. Since construction requirements for farms are less stringent than those for residences, it is possible for a property owner in a residential zone to sidestep Town Zoning by stating they operate as a farm. The larger question is whether the Town should strike its definition of farm from its Zoning and instead use the definition within Ag and Markets law. Ms. Kiley said all it took was a minor edit for the Town's definition of farm to reflect that of Ag and Markets law.

Mr. Wertis MADE the MOTION to recommend the new definition to the Town Board as part of future Zoning revisions, and Mr. Blake SECONDED the MOTION. The vote was as follows:

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

**Result:** Recommendation approved

The Planning Board reached a consensus that they would further discuss the Open Development Area proposal at the May 19<sup>th</sup> meeting.

### **Town Board Liaison Report**

Mr. Goldman said the Town is exploring what to do about rundown and unsafe properties as well as properties where tenants are living in poor conditions. A couple of Town officials recently drove around Town to inventory problem properties. Asked by Mr. Rice how the Town decides whether a property is in poor condition, Mr. Goldman said properties with safety concerns are of top priority.

Ms. Thomas said the Town Board will hear a presentation about solar energy and microgrids at its meeting on June 23. Planning Board members are welcome to attend. Elsewhere, Trumansburg Village recently considered abolishing its Planning Board due to lack of training. It was suggested the Planning Boards from the Town and Village hold a joint training session. Ms. Thomas had spoken with Tompkins County Planning Commissioner Ed Marx and suggested an annual or biannual county planning session open to local planners countywide.

Mr. Wertis said he suspects the issue with the Village Planning Board was something other than lack of training.

Mr. Blake noted that both the Town of Ulysses and Village of Trumansburg have the same engineering firm, and the firm may be willing to educate Village planners.

Ms. Thomas also suggested the Town Board, Planning Board, and Board of Zoning Appeal hold a short, joint meeting to review the Town's Comprehensive Plan. As the Town proceeds with Zoning revisions through a recently awarded NYSERDA grant, the Comprehensive Plan should be at the core of discussions.

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

Meeting adjourned at 8:09 p.m.

Respectfully submitted by Louis A. DiPietro on May 6, 2015.