

**TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
May 19, 2015**

Approved: 6/2/15

Present: Chairman John Wertis, **Board Members:** Sarah Adams, David Diaz, Andy Rice, David Blake (arrived at 7:02 p.m.), and board alternate Craig Salino; Environmental Planner Darby Kiley; Town Board Liaison Richard Goldman.

Mr. Salino was named a voting board member in place of David Blake.

Call to Order at: 6:57 p.m.

Agenda Review; Minutes Review (5/5/2015): In light of a recent change to designate the Board's second monthly meeting as a work meeting, Ms. Adams requested that the meeting be recognized as such. Mr. Wertis honored that request.

Mr. Wertis MADE the MOTION to approve the May 5, 2015 meeting minutes with one minor change, and Mr. Salino SECONDED the MOTION.

Board Member Mr. Blake arrived at 7:02 p.m.

The vote was as follows:

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

Result: May 5, 2015 meeting minutes approved.

Privilege of the Floor: No members of the public were in attendance.

Proposed Open Development Area

Mr. Wertis said the Town has not heard back from Trumansburg Fire Chief Jason Fulton on a request for further information on whether or not an access road in the ODA could accommodate the Fire Department's largest truck. He proposed postponing the discussion until the Board hears from Mr. Fulton.

Having read the previous meeting's minutes, Mr. Diaz asked for clarification on just what the Planning Board is being asked to do. In his opinion, the proposed ODA is located in a Unique Natural Area and near to the shoreline in the Lakeshore District. The proposal

violates both Town Zoning and the Town Comprehensive Plan, and he does not see how the Planning Board could ever recommend its approval.

Ms. Kiley said the property in question is an existing non-conforming lot, which may be developed because it is grandfathered. Any new structures on the property need to meet setback requirements. Mr. Diaz asked if the Planning Board is tasked with interpreting Town law. In response, Ms. Kiley said it is New York State Law that requires properties to have road access for emergency vehicles. The property owner will need to go through the Site Plan Review process, but the Town has yet to receive a complete proposal. The applicant first needs a building permit, but cannot legally get one without first having road access for emergency vehicles.

Ms. Adams said she and Mr. Blake had similar concerns as Mr. Diaz. Both Ms. Adams and Mr. Blake met to discuss the ODA and developed a proposed alternate resolution to the Town Board that recommends denying the ODA. Mr. Blake said there is no reason not to address some of the major issues involved with the ODA. He finds the whole idea scary. The Planning Board has heard no feedback from neighbors, and there is nothing to show that all neighbors have agreed as to who would maintain the roadway. What about cutting back of branches? He is not convinced – even with a recommendation from Mr. Fulton or an engineer – that the access road could accommodate emergency vehicles. Homes in the ODA are close together, and it is likely that a house fire could spread to neighboring homes. These concerns are cause for trepidation in granting the ODA.

Ms. Adams added that there is also the issue of the Unique Natural Area to consider. At this point, the Planning Board has no idea what would make the access road suitable to meet state fire code. To not even mention the Unique Natural Area and the potential impact on it is irresponsible on the Planning Board's part. Also, attempting to open up that area for development when it clearly conflicts with Town Zoning does not make sense. It is the Planning Board's responsibility to point these concerns out to the Town Board.

Mr. Rice said the issues are something to be concerned about, and Mr. Salino said the alternate resolution is a good step, though he is not sure of the legality of certain conditions within the resolution.

Mr. Wertis suggested Planning Board members review the alternate resolution and re-address it at the Board's next meeting.

Mr. Goldman pointed out that, at its previous meeting, the Planning Board had intended to consult an engineer on the access road. Ms. Kiley said she first wanted to hear from Mr. Fulton before proceeding. MRB Group recommended a third-party engineer examine the access road, and then MRB would respond.

In regard to potential development in the ODA, Mr. Wertis believes that the lakeshore parcels in question cannot be subdivided, so no more homes could be built there. Two other larger parcels in proximity are buildable, but he is not sure if they can be

subdivided. Ms. Kiley indicated that based on the current zoning they could not be subdivided.

Responding to Mr. Goldman's question of an engineer's review, Ms. Adams said the Town should not request that the applicant hire an engineer to examine the roadway if the Town Board is considering denying the ODA. The applicant should know that the ODA could be denied and that hiring an engineer to review the roadway is premature.

The Planning Board reached a consensus to discuss questions to put to the Town's Counsel. Board members formulated several questions, which Ms. Kiley noted and will pass on to the Town Attorney.

Mr. Diaz asked which came first: the pre-existing parcel in the ODA or the Unique Natural Area designation. Ms. Kiley said the parcel pre-dates the UNA. The land was developed back in the 50s or 60s.

Solar Regulations

Ms. Kiley explained that, as Town Zoning currently stands, it is prohibited to install a large-scale (500 kW) solar panel array with the express purpose of selling the power back to NYSEG. She has been reviewing laws in other municipalities to get a better idea of how solar installations are regulated. The Town of Ulysses needs to explore the addition of appropriate definitions related to solar projects, consider design standards and solar access regulations, and decide in which districts solar arrays would be allowed. A memo circulated by Ms. Kiley outlines two different ideas for how to classify solar array projects in terms of size: either by kilowatt size or square footage of the array. Melissa Kemp of Solar Tompkins, who Ms. Kiley has consulted, has suggested basing the size on the project's kilowatts: 0-50 kW (small); 50-250 kW (medium) and > 250 kW (large). Ms. Kemp also offered general space requirements for ground-mounted solar projects, with a 1-megawatt system taking up a little more than 5 acres.

Ms. Adams said she would have an issue with the wide range between 50 and 250 kW of what is considered a medium-size project. That is significant in terms of property and impact. The Planning Board may want to consider anything up to one acre as medium, whereas anything over an acre is large. Mr. Wertis said it may be easier for the public to understand if project size was presented in terms of area rather than kilowatts. Referencing the Town of Geneva's Zoning Law, Ms. Kiley said any solar project above 4,000 square feet is considered major. NYSERDA maintains an online map of solar projects in the area, she said in response to a question from Mr. Salino.

The discussion briefly turned to the height of ground-mounted solar projects. Mr. Wertis said some municipalities cap the height at 15 feet. He knows of one pedestal mounted system in Town that turns with the sun, and it may exceed 15 feet. Ms. Kiley noted that Town Zoning allows for a 20-foot maximum height on accessory structures. Cornell's large installation in Lansing is no taller than 6 feet.

Mr. Goldman said the fundamental question to ask is how important is it to the Planning Board to stimulate solar power, and are other regulations going to foster that or hinder it? The Town Board's sense is we want to promote solar as much as possible.

Mr. Blake said he is a firm believer in solar energy as well as property rights. He would like to see changes to existing zoning, but neighbors should also be made aware when someone intends to install a solar-power system. It is wrong for neighbors not to be notified.

On the subject of districts, Mr. Diaz pointed to a satellite map of an example of a ground-mounted system and noted that, at 120-by-135 feet, the array was far bigger than the house on the property. Perhaps a project of that size is fine out in rural areas, but he wonders if there will be issues with size in the future.

Ms. Kiley said the Lakeshore District has no appropriate places for medium or large-scale ground-mounted arrays, and, further, the Town does not want to encourage residents to cut down trees in order to accommodate one. In the Hamlet District, the focus is on dense residential. It is a trickier scenario with Parks and Rec land, and she suggested prohibiting large-scale projects.

Ms. Adams said she would like to see design guidelines for solar projects. Ms. Kiley said the Town of Geneva, for instance, has design standards, requires Site Plan Review, outlines areas of sensitivity and establishes parameters for lot coverage and setbacks. The Town of Ulysses would be looking at something similar to the Town of Geneva's regulations. In response, Ms. Adams said she would want to see design standards, particularly if a 250 kW system (needing 1.4 acres of space) is considered a minor project. She also found some of the language for minor systems too vague. Further in the conversation, Mr. Blake noted that the Town of Geneva parameters had been in effect for only a year and asked about Geneva's solar project activity since then. Ms. Kiley said Geneva approved a 2-megawatt system proposed by a commercial business. Another project was discussed at Hobart and William Smith Colleges, but it garnered a lot of controversy, and there were further questions concerning the land on which the solar array was to be installed.

Mr. Wertis said cooperative solar installations are something to keep in mind. Plus, when discussing different sizes of solar projects, the Planning Board needs to think about open fields in the country rather than, say, in the village.

Ms. Kiley said the Town could require that all large-scale solar projects need to be on at least a 5-acre parcel to establish buffers on each side. Massachusetts established a similar requirement. She asked Planning Board members to state their questions concerning solar projects so she could carry out further research. Mr. Diaz said he had questions concerning areas of sensitivity, set backs, decommissioning and sizes. Mr. Rice said he would be interested to hear more about the Massachusetts model, citing its setback parameters. Such a model could mitigate a lot of the issues discussed by the Planning Board.

Town Board Liaison Report: Mr. Goldman offered no report.

Next meeting: The Planning Board then discussed action items for next meeting, including the re-approval of a previously approved subdivision. Ms. Kiley explained that the previously approved subdivision on the corner of Swamp College Road and Route 96 in the Hamlet of Jacksonville has since expired.

Elsewhere, Ms. Kiley said the Kearl residence – the subject of the ODA topic – has filed for Site Plan Review, but the materials are not yet complete. Also, Carl Lupo has recently submitted a subdivision application for a property on Cold Springs Road and route 96.

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

Meeting adjourned at 8:21 p.m.

Respectfully submitted by Louis A. DiPietro on May 21, 2015.