

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
April 21, 2015**

Approved: May 5, 2015

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

Excused: Craig Salino

Members of the Public Present: Lance Brabant of MRB Group

Call to Order at: 7:00 p.m.

Agenda Review; Minutes Review (04/07/2015)

No changes to the agenda were made.

Mr. Wertis MADE the MOTION to accept the meeting minutes for April 7, 2015 with minor changes, and Mr. Diaz SECONDED the MOTION. The vote was as follows:

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

Result: Meeting minutes for April 7, 2015 approved.

Privilege of the Floor: The Planning Board welcomed MRB Group planner, Mr. Brabant who has been an engineer at MRB Group for 10 years. He has worked with several municipalities, including Dryden, Avon and Canandaigua, and will provide similar assistance to the Town of Ulysses in the form of guidance during the SEQR process, Site Plan review, and any other questions or concerns relative to applications that come before the Planning Board. While he has assisted other municipalities in crafting board resolutions, Mr. Brabant said he would be working directly with Town Environmental Planner Darby Kiley and with the Planning Board on an as-needed basis.

Review of Planning Board Rules and Procedure re: Agendas and Planning Board Schedule

Ms. Adams proposed the Planning Board discuss its meeting schedule and suggested the Board consider dedicating one meeting per month for applications and projects and another meeting solely for Zoning issues and revisions. It seems each meeting of the Planning Board is taken up with applications, leaving little to no time to discuss Zoning concerns.

Ms. Adams MADE the MOTION to designate one meeting a month for reviewing applications and designate the second meeting to allow the Planning Board time to discuss more general planning issues. Mr. Rice SECONDED the MOTION.

Mr. Blake said he does not disagree with the concept, but he expressed concern that such a meeting schedule could delay an applicant's proposal. He later referenced the Trumansburg Yoga Studio, whose owners wished to purchase property that was in foreclosure. The timeline for purchasing the property was short. Ms. Adams said it is up to the Planning Board to inform the applicant of its timeline, and added that most planning boards do not meet twice a month.

Mr. Rice said he supports having one meeting per month dedicated to Board business. A work meeting allows the Planning Board time to examine Zoning issues without the distraction that might occur with other business that is often emotionally charged. Mr. Diaz said Ms. Adams's proposal makes sense. He does not see the Planning Board having the appropriate time to address Zoning matters under the current schedule.

Mr. Wertis felt the Planning Board has dealt with most of the major issues with Zoning or, at the very least, is headed toward revising and updating those problem areas. He has no quibbles with holding a Planning Board meeting until 9 or 9:30 p.m. and believes the Board could address both business and work matters at the same meeting if scheduled correctly. Echoing Mr. Blake's comment, Mr. Wertis said the Planning Board should not lock itself into a schedule that may possibly delay an applicant's timeline. He would rather the Board address an application promptly rather than delay it for another two weeks.

Mr. Rice added that the community would observe the Planning Board's schedule if it were clearly laid out.

Ms. Adams felt the Planning Board would never get to discussing substantive Zoning changes without a dedicated monthly work meeting. Weighing changes at 8:30 p.m. is not optimal.

Asked by Mr. Goldman for insight, Mr. Brabant said a lot of communities hold two Planning Board meetings per month while smaller communities typically hold just one. The number of applications determines frequency of meetings. In Canandaigua, after the Planning Board's meetings were stretching into midnight, they opted to designate the first meeting of the month for both critical applications and continuation for applications. New applications are reviewed once a month. The continuation process allows the Planning Board more time to review an application, if necessary.

Mr. Wertis offered a friendly amendment to Ms. Adams's resolution, adding a provision that would permit the Planning Board to address applications at its second meeting. The amended resolution, which was accepted, is as follows:

BE IT RESOLVED, that the first meeting of the month is reserved for applications, and the second meeting is designated for substantive planning and zoning proposals. The continuation of

applications not completed at the first meeting may be continued at the second meeting at the discretion of the Board.

The vote was as follows:

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

Result: Resolution approved.

Proposed Open Development Area

Mr. Wertis said this is the second time the Planning Board has been asked to deal with an Open Development Area. State law says that, unless an Open Development Area is established, a Town may not issue a building permit to a property that does not have access to a street or highway. The Town Board discussed the Open Development Area and referred it to the Planning Board for review. The issue appears to be entirely focused on health and safety since access to the property must accommodate fire and emergency response vehicles. Responding to the Town's request for review of the parcel's driveway access, the Trumansburg Fire Chief noted the need for space in order to maneuver a fire truck. The manager of Trumansburg Emergency Medical Services also noted the lack of space to turn around an ambulance. Specific numbers as to how much space would be needed was not included, and Mr. Wertis said exact numbers for the turnaround for the biggest piece of equipment they have are necessary.

Ms. Adams said her initial concern is with the fact that the parcel is located in a Unique Natural Area. It is a concern that should be considered now and not delayed until Site Plan Review. Mr. Blake noted that the Planning Board's task is to simply give information back to the Town Board. Ms. Adams suggested the Planning Board note that the parcel is located in a UNA in its formal resolution back to the Town Board. Mr. Blake said he is concerned about grading and erosion and the ability of the road to support the heaviest expected vehicle.

Mr. Wertis requested additional information from the fire department. Ms. Adams noted that the parcel is also a non-conforming size. At what time, she asked, does the Planning Board say that this parcel is not an appropriate lot for development and there is no reason to proceed?

Mr. Goldman said the parcel is a grandfathered lot and believes that the Planning Board does not have the power to prohibit a house from being constructed on the parcel. The Planning Board is being asked to review the Open Development Area relative to health and safety issues.

Mr. Wertis said road maintenance is another question. Who is responsible for the maintenance, under what sort of legal agreement and is that in writing?

Mr. Wertis MADE the MOTION to continue discussion of the Open Development Area at the Planning Board's next meeting due to the need for additional information, and Mr. Diaz SECONDED the MOTION. The vote was unanimously approved.

Result: Further discussion of Open Development Area is scheduled for the next meeting.

Sign Policy Review

Mr. Wertis MADE the MOTION to approve a resolution recommending to the Town Board an amendment to Zoning Law to remove site plan review for signs in the B1 and IL Zoning Districts. Mr. Blake SECONDED the MOTION.

Mr. Wertis prefaced the ensuing discussion by saying that some Planning Board members felt frustrated by a recent decision concerning the Trumansburg Wine and Spirits sign. The information in the Town's Zoning document was clear enough to the applicant that he met all the requirements, but Planning Board members were frustrated because it seemed like they were rubber-stamping approval.

Ms. Adams apologized that she did not come fully prepared to discuss the Trumansburg Wine and Spirits sign at the April 7, 2015 meeting. She felt the issue was whether or not the sign in question was considered temporary. The Planning Board should have deemed the sign temporary and stated that it was not allowed because it was not constructed of appropriate materials. She suggested the resolution be tabled until the larger issue of signage is addressed, possibly during the Town's future Zoning updates through the recently awarded NYSERDA grant.

Mr. Wertis withdrew the motion and stated the Planning Board would readdress the issue sometime in the future. By his count, he said there are 15 signs within the Town that fit the Town's definition of Temporary Sign, which allows for display for two weeks. There is a question of whether or not the state Department of Transportation has any rules with putting temporary signs in their right of way. Enforcing Zoning law in regard to temporary signs would be a nightmare and require a registered date with the Town. Mr. Wertis reminded the board that should there be any new application for a sign in the Business District, the board will follow the site plan review process.

Mr. Goldman said it is not a matter of whether enforcement is difficult. If the Planning Board deems it important to enforce time limits on temporary signage, then it is the job of the Town Board to see that it happens. Also, he stated the Town Board is compiling a list of delinquent properties with Zoning and Code violations and prioritizing what to do about them. He requested Planning Board members inform Town Board Member John Hertzler of problem properties. Photographs are helpful.

Solar and Wind Power Regulations

Since Ms. Kiley could not attend the meeting due to illness, the Planning Board skipped ahead to its next agenda item.

SEQR Part 3

Mr. Wertis said he was reacting to a sentence in part 3 of the SEQR when he proposed at the April 7 meeting to issue special considerations to an applicant who stated his intention to build a home on Perry City Road. The language in Part III states that consideration should be given for potential short-term and long-term cumulative impacts of development. Mr. Wertis said it was important that the applicant understand that they need to take special considerations for storm water when they develop the Perry City Road parcel. The cumulative effect of developing the hillside could cause problems. In the future, Ms. Kiley may be advised not to write Part III but instead delay it until the Planning Board completely reviews the SEQR. Town Counsel advised Mr. Wertis that it would not have been a good idea to hand the applicant a document with special considerations as part of the SEQR.

Mr. Diaz said the action on April 7 was purely about the subdivision. He agreed with Mr. Wertis that there may be significant impacts if the applicant chooses to develop the property.

Mr. Wertis said there has been a suggestion that the Planning Board meet with the Trumansburg Village Board of Trustees to discuss SEQR.

Ms. Adams said her problem with SEQR is that it is meant for larger projects in bigger communities and does not adequately account for the size of communities. Mr. Brabant said the Short Environmental Assessment Form is intended to address some of Ms. Adams's concerns. Other communities have stated similar problems with SEQR, most notably how to state concerns with an application instead of rubber-stamping it. He pointed to Mr. Wertis's suggestion to hold off on completing Part III or have it done well in advance to allow for Planning Board review.

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

Meeting adjourned at 8:16 p.m.

Respectfully submitted by Louis A. DiPietro on April 22, 2015