

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

Approved: July 21, 2015

Present: **Chairman** John Wertis, Board Members: David Blake and Craig Salino; Environmental Planner Darby Kiley, and Town Board Liaison Richard Goldman.

Board members Sarah Adams and David Diaz were excused.

Members of the Public Present: Ken Kearl, Rod Kearl, Dave Kerness, Bob Sprole, Carl Lupo, and Doug Snyder of Renovus.

Call to Order at: 7:02 p.m.

Agenda Review; Minutes Review (6/16/15)

The Planning Board came to a consensus to later discuss an email sent from Ms. Adams related to solar regulations.

Mr. Wertis MADE the MOTION to accept the June 16, 2015 meeting minutes with a minor change, and Mr. Blake SECONDED the MOTION. The minutes were unanimously adopted.

Privilege of the Floor: No one from the public chose to speak.

Sketch Plan for Kearl Property: Consideration of Site Plan for the construction of a Single-Family Residence, located at 1513 Taughannock Blvd, Tax Parcel Number 18.-1-19.8, LS-Lakeshore District within the Slope Overlay Area and Unique Natural Area. Kenneth and Patricia Kearl, Owners/Applicants; Rodney Kearl, Agent.

Mr. Blake MADE the MOTION to open the sketch plan conference, and Mr. Salino SECONDED the MOTION. The motion was unanimously approved.

Citing the abundance of information already provided to the Planning Board, Mr. Wertis suggested closing the sketch plan conference and proceeding with site plan review. Board concerns relative to the Kearl plan should be addressed now. Mr. Blake said he did not have any concerns specific to the project but said the Board's two absent members – Ms. Adams and Mr. Diaz – may have questions.

Ms. Kiley gave a brief overview of the Kearl's submitted materials, calling the package "complete" based on the checklist. Everything the Planning Board is looking for in regard to the sketch and site plans has been submitted, she said. She and Rod Kearl also discussed landscaping for the proposed Kearl site.

Mr. Wertis MADE the MOTION to close the sketch plan conference, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

Site Plan Review questions

After reviewing site plan review materials, the Planning Board stated their questions with the project. Mr. Blake said he still had concerns that the proposed turnaround was not sufficient enough to accommodate emergency vehicle access. He asked if the current site plan includes a 20-foot wide driveway, as discussed at the Board's previous meeting. He also asked about pavement for the driveway and whether or not any efforts would be taken to mitigate potential water runoff issues.

Ken Kearl said the initial plans submitted more than 10 years ago included a 15-foot driveway. After discussions with the Planning Board and with the Village Fire Chief, Kearl said the driveway entrance has been expanded to 20 feet wide.

Responding to Mr. Blake's question about pavement, Rod Kearl said there are options. Bituminous pavement (black top) would be impervious, while a modular pavement would allow for runoff. However, modular pavement does present a challenge when it comes to snow plowing, since a plow with an angled wired brush is most effective but is not common equipment, he said.

Ms. Kiley reiterated what Trumansburg Fire Chief Jason Fulton had previously expressed: that he prefers a blacktop surface for emergency vehicle access. She suggested perhaps a combination blacktop-modular surface, with the guest parking area laid with a modular surface. Rod Kearl said the larger, modular pieces are slightly rounded and tend to hold up better over time. Ken Kearl said he would be exploring a modular surface for the guest parking area.

Asked by Mr. Wertis if he would like to include a condition about driveway surface, Mr. Blake said he did not find it necessary and would prefer to proceed on a trust level with the Kearls. Planning Board members reached a consensus to proceed without adding an additional condition to the resolution regarding paving surface.

On the matter of the property's location in a Unique Natural Area, Mr. Wertis said the proposed construction would be built toward the lake, on an area of flat land. Rod Kearl gave a brief overview of his landscaping efforts over the past decade at the proposed site. Since the original proposal in 2004, the property's east side has naturalized while the west side remains a natural woodland area. He said he would not be removing existing plants so as to limit disturbance and possible erosion. Ken Kearl pointed out that the septic field area – located to the west – would need to be mowed.

Ms. Kiley provided an overview of the site plan review and SEQR process for single-family residences. Since single-family residences are considered Type II actions, an environmental assessment form and a determination of significance are not necessary. However, the Planning Board discussed the matter of a public hearing.

Mr. Blake said he was not confident neighbors within the vicinity of the Kearl property were fully informed of the project.

Mr. Sprole, a neighbor at 1517 Taughannock Boulevard, said all five homes along the access road have been aware of Ken's plans for years and are kept abreast of developments. Neighbors further up the access road are also aware of Kearl's plans, he said.

Mr. Blake MADE the MOTION to waive the public hearing, and Mr. Salino SECONDED the MOTION. The motion was unanimously approved.

Resolution for Site Plan Approval

Ms. Kiley suggested, and the Planning Board consented to, an additional condition that would remove proposed plantings on the driveway's west side, as previously included in Sheet L-4.

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

WHEREAS:

1. This is consideration of Site Plan Approval for a Single-Family Residence in a Slope Overlay Area and a Unique Natural Area located at 1513 Taughannock Blvd, Tax Parcel Number 18.-1-19.8, LS-Lakeshore District; Kenneth and Patricia Kearl, Owners/Applicants, Rodney Kearl, Agent for Owners; and
2. Pursuant to NYS Town Law §280-a(4) on June 23, 2015, the Town of Ulysses Town Board established an open development area that included Tax Parcel Number 18.-1-19.8 subject to a number of conditions; and
3. The Planning Board, on July 7, 2015, has reviewed and accepted as adequate, application materials including the following: Site Construction Drawings including Sheet L-1 (Layout Plan), Sheet L-2 (Grading and Erosion Control Plan), Sheet L-3 (Site Utilities Plan), Sheet L-4 (Planting Plan), Sheets L-5, L-6, L-7 (Construction Details), revised May 26, 2015; Residence Floor Plan and Elevations including Sheets A1 and A2 (Floor Plan) and Sheets A6 and A7 (Exterior Elevations), dated May 28, 2015, and other application materials; and
4. The construction of a Single-Family Residence is a Type II action which does not require the preparation of a determination of significance;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, including a public hearing, 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

2. That the Planning Board of the Town of Ulysses hereby grants Site Plan Approval for the proposed Single-Family Residence, as shown on the following: Site Construction Drawings including Sheet L-1 (Layout Plan), Sheet L-2 (Grading and Erosion Control Plan), Sheet L-3 (Site Utilities Plan), Sheet L-4 (Planting Plan), Sheets L-5, L-6, L-7 (Construction Details), revised May 26, 2015; Residence Floor Plan and Elevations including Sheets A1 and A2 (Floor Plan) and Sheets A6 and A7 (Exterior Elevations), dated May 28, 2015, subject to the following condition(s): the Board of Zoning Appeals grants area variances for the accessory buildings along the lakeshore, and that Sheet L-4 is revised to remove the proposed plantings on the west side of the driveway.

The vote was as follows:

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

Result: Site Plan approved

Mr. Snyder arrives at 7:38 p.m.

Ken and Rod Kearl leave at 7:38 p.m.

Preliminary Plat for Cold Springs Rd. Development: Cold Springs Rd Development Project for a five-lot subdivision of Tax Parcel Number 25.-1-1.1, H1-Hamlet District. Carl Lupo and Leon Newhart Jr, Owners/Applicants; including SEQR review.

Asked by Mr. Wertis about the process for both SEQR and scheduling a public hearing, Ms. Kiley said SEQR is typically done before a public hearing. This makes for a complete application. The subdivision could be approved following a public hearing scheduled for an upcoming Planning Board. Planning Board members held a brief discussion regarding scheduling, and reached a consensus to maintain the Board's July 21 meeting as a work session and push the public hearing to its meeting on August 4.

Mr. Wertis MADE the MOTION to schedule a public hearing on August 4 in relation to the Cold Springs Road development project, and Mr. Salino SECONDED the MOTION. The motion was approved unanimously.

The Planning Board then worked through Part 1 of the Short Environmental Assessment Form. Mr. Wertis referenced "the existence of wetlands or other waterbodies" as noted in 13 a. of the assessment. Mr. Lupo cited the Department of Environmental Conservation, which has said that the waterway in question is not a natural stream but is simply a drainage channel. Asked by Mr. Salino about proposed driveways, Mr. Lupo confirmed that culverts would be built so as not to disturb the drainage channel.

Mr. Blake MADE the MOTION to accept the SEQR Short Environmental Assessment Form Part 1, and Mr. Salino SECONDED the MOTION. The vote was unanimously approved.

Mr. Lupo left the meeting at 7:57 p.m.

Site Plan Review for Renovus: Renovus sign and landscaping plan, located at 1520 Trumansburg Rd, Tax Parcel Number 33.-4-3.6, B1-Business District. The Renovus site plan was approved on February 3, 2015 with the conditions that the proposed freestanding sign is subject to subsequent review and approval. The Planning Board will also review the landscaping plan cost estimate in the event that the plantings are not completed before the Certificate of Occupancy is issued for the office building.

Ms. Kiley offered a brief overview of the Renovus signage and landscaping plans. The sign appears to conform to Town Zoning parameters, but the landscaping plans are much more complicated since the Certificate of Occupancy is dependent on completion of the Site Plan, which includes tree planting. The fall season is better suited for tree planting, and Renovus's renovated office building may be ready for a Certificate of Occupancy in early August. As stipulated under Town Zoning, a Certificate of Occupancy could be issued early if the Town were to receive early payment – in the form of a certified check – of the full cost of required improvements. The funds – totaling \$8,900 for plantings – would then be held in escrow and allow for early issue of a Certificate of Occupancy.

Mr. Blake commented on the need for a visual buffer on Renovus's new side-parking lot, located on the site's north side. It is Mr. Blake's opinion that the parking area looks bigger than he originally thought. In response, Mr. Snyder said the lot is as designed under Site Plan Review – 230 feet of parking. Plans call for shrubbery along all 230 feet, providing a visual buffer from motorists traveling southbound along Route 96.

Resolution - Signage

Mr. Wertis MADE the MOTION to grant Site Plan Approval for the Renovus sign, and Mr. Blake SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval proposed freestanding signage for Renovus Energy, located at 1520 Trumansburg Rd, Tax Parcel Number 33.-4-3.6, B1-Business District. The Number 10 Properties, LLC, Owner; Doug Snyder, Applicant/Agent; and
2. The Planning Board approved the Renovus Site Plan on February 3, 2015 subject to the condition that the freestanding sign is subject to subsequent review and approval by the Planning Board; and
3. The Planning Board, on July 7, 2015, has reviewed and accepted as adequate the proposed freestanding sign sheets titled "Channel Letters/Pole Sign" and Pole Sign – Site Photo Mocks" by Ithaca Sign Works, dated 06-22-15, and other application materials;

THEREFORE IT IS HEREBY RESOLVED,

3. That the Planning Board of the Town of Ulysses hereby waives the public hearing; and
4. That the Planning Board of the Town of Ulysses hereby grants Site Plan Approval for the proposed freestanding signage for Renovus Energy, located at 1520 Trumansburg Rd, Tax Parcel Number 33.-4-3.6, as shown on sheets titled "Channel Letters/Pole Sign" and Pole Sign – Site Photo Mocks" by Ithaca Sign Works, dated 06-22-15.

The vote was as follows:

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

Result: Site Plan Approval granted

Resolution - Plantings

A brief discussion regarding the completion date for landscaping ensued. Mr. Snyder said the goal is to have the landscaping done no later than October. The Planning Board reached a consensus to include a condition within the resolution stating that the proposed landscaping plan should be completed by the end of the year.

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

WHEREAS:

1. The Planning Board approved the Renovus Site Plan on February 3, 2015, which included a landscaping plan; and
2. The building renovations will be completed and ready for a Certificate of Occupancy before the plantings shown on the landscaping plan can be completed because the preferred time to plant is in the fall; and
3. Section 3.4.9 of the Town of Ulysses Zoning Law allows a Certificate of Occupancy to be issued when all improvements on the approved site plan are not completed if a deposit is made by the applicant with the Town Clerk of a certified check in an amount set by the Planning Board to cover the full cost of the required improvements; and
4. The applicant received two cost estimates of \$7,500 to complete the work shown on the landscaping plan, with an additional cost estimate of \$1,400 to plant 4 additional trees as required by the Planning Board's 2/3/15 approval; and

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses approves the cost estimate of \$8,900 for the costs associated with the plantings as shown on the approved landscaping plan subject to modification as recommended by the landscaping firm; and
2. Prior to a Certificate of Occupancy being issued for the office building, the applicant shall deposit with the Town Clerk of a certified check for \$8,900, which will be returned to the applicant when the required improvements are completed to the satisfaction of the Zoning Officer; and
3. The Planting Plan shall be completed by the end of 2015.

The vote was as follows:

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

Result: Resolution approved

Solar Regulations

Planning Board members discussed an email sent by Ms. Adams in regard to solar regulations. Mr. Blake said he is confident the Planning Board will address Zoning in relation to rooftop-mounted and ground-mounted solar projects, but the challenge will be in larger, commercial projects. Mr. Wertis noted that prohibiting front yard installations could prove problematic if the front yard area is a homeowner's only option for solar. Ms. Kiley expressed that same concern, especially for homeowners in rural areas, who could live hundreds of feet from the roadway. Additionally, restricting front yards for solar could have adverse effects, if the homeowner were to cut down natural woodlands on their property in order to install a solar array that conforms to Town Zoning. Mr. Wertis also had a question regarding tree removal. Mr. Blake said he would like to discuss heights of ground-mounted solar installations.

Mr. Goldman did not offer a Liaison report.

Mr. Wertis noted that there appeared to be little to no discussion among Town Board members prior to the vote to approve the Open Development Area No. 2. Mr. Goldman said Town Board members had reviewed the Planning Board's recommendation prior to the meeting and felt comfortable that the Planning Board did its due diligence. The Town Board's approval reflected their confidence in the Planning Board's efforts, he said.

Mr. Wertis made the Planning Board aware of an upcoming Association of Towns training in Syracuse on July 27. Ms. Kiley also noted a scheduled webinar on solar regulations for 1 p.m. Thursday. The Planning Board was reminded to notify the board clerk of any workshops or training sessions that board members attend.

Mr. Blake MADE the MOTION to adjourn, and Mr. Salino SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 8:24 p.m.

Respectfully submitted by Louis A. DiPietro on July 8, 2015.