

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

*Approved: August 4, 2015*

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

Board member David Diaz was excused.

**Members of the Public Present:** Carl Lupo

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

**Agenda Review; Minutes Review (7/7/2015)**

Mr. Wertis suggested including within the evening's agenda a brief zoning report from Town Supervisor Liz Thomas. Ms. Adams said there was already much to discuss, like Open Development Areas and solar regulations, and that she felt unprepared for a zoning conversation with the Town Supervisor.

Mr. Blake MADE the MOTION to approve the meeting minutes for July 7, 2015, and Mr. Wertis SECONDED the MOTION. The motion was approved 3-0, with Ms. Adams abstaining from the vote because she did not attend the July 7 meeting.

**Privilege of the Floor:** No one from the public addressed the Planning Board

**Preliminary Plat:** Consider acceptance of revised Preliminary Plat for 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.

Ms. Kiley said the Preliminary Plat plans have changed slightly from the Board's review on July 7, when members voted to schedule a public hearing on the Cold Springs Road development on August 4. While still consisting of five lots, a recently submitted plat layout from the surveyor differs enough from the architect's version to require a second review. Ms. Kiley suggested the Planning Board review and recognize the surveyor's version as the official Preliminary Plat. Mr. Blake suggested the Planning Board amend a proposed resolution by inserting a statement rejecting an earlier completed preliminary plat and accepting the new surveyor's document. The Board expressed agreement that the surveyor's version of the Preliminary Plat will be the subject of the public review and hearing for August 4<sup>th</sup>.

Discussion then turned to a letter from the Tompkins County Department of Planning, which recommended the Town require modifications to the Cold Springs Road proposal to provide a single access cul-de-sac to the subdivision. According to the County, the modification would

reduce the number of required curb cuts as well as adverse impacts from siting a driveway adjacent to an intermittent stream near the proposed lot 5. The County recommends eliminating lot 5 and utilizing two shared driveways to access the remaining four lots.

Citing the County's letter, Mr. Lupo said shared driveways could become problematic for bank financing. Mr. Wertis said it is his understanding that a cul-de-sac would have to meet Town code, making the installation of such a roadway more expensive. The cul-de-sac would not be a driveway, he noted, but a roadway.

Ms. Kiley said Mr. Lupo could alter his plans and have each of the five lots share access to a single roadway. The issue is homeowners typically do not want a shared road.

Mr. Lupo said there is more than enough room to accommodate individual driveways. He said the New York State Department of Transportation has already given him permission to install driveways as planned. Referencing the County's letter, Ms. Adams said she sees some validity in consolidating the number of curb cuts. Access to and from the proposed site via Cold Springs Road rather than Route 96 makes more sense, she said. In response, Mr. Lupo said there is not enough room on Cold Springs Road to accommodate five driveways. He reiterated his concerns that shared driveways eventually lead to issues between homeowners.

Mr. Salino feels a cul-de-sac does not fit the character of the Hamlet area.

Mr. Wertis MADE the MOTION for the Planning Board to disregard the County's recommendation relative to road cuts, as stated in the July 16, 2015 to the Town, and Mr. Blake SECONDED the MOTION.

Ms. Adams said the County does not typically raise such concerns about a project. She noted that a supermajority vote among the Planning Board would be required to approve it. She suggested the Town and Mr. Lupo approach the County and express some of the challenges in following through with the County's recommendations. Perhaps the County and Mr. Lupo can come to some solution, she said.

Mr. Lupo referenced the County's concern with the intermittent stream on the property, saying his plans would not change anything concerning water flow. If anything, flow would be improved, he said. Mr. Blake agreed that the intermittent stream should not prevent development. Mr. Lupo continued, saying that all five proposed properties have more than enough room to accommodate five driveways. Each aligns with the Town's 50-foot road frontage requirement. He said he is unclear on just what the County is talking about.

Mr. Blake said he, too, was perplexed by the County letter and questioned if the recommended modification was an improvement over Mr. Lupo's proposal.

Asked by Mr. Salino about the possibility for three driveways via Cold Springs Road, Mr. Lupo said it is possible, but the driveways would be considerably longer and thus more expensive.

Mr. Blake suggested the Planning Board ask the County to state its reasons for requesting the modifications. Ms. Adams said she is not ready to dismiss the County's letter.

The vote to dismiss the county's recommendations was as follows:

Mr. Wertis AYE  
Mr. Salino AYE  
Mr. Blake NAY  
Ms. Adams NAY

**Result:** Motion failed.

Mr. Wertis advised Ms. Kiley to inform County Planning that the Town Planning Board discussed modifications and had mixed reactions to them. He asked whether or not to postpone the planned August 4 public hearing.

Ms. Kiley said the public hearing is as scheduled on August 4, and the Planning Board may take action following the hearing. If the County's recommendations are not accepted, the project will need supermajority approval from the Planning Board. Ms. Adams thought it a waste of time to hold a public hearing on a proposal with which the County does not agree.

Mr. Lupo said duplexes would make better business sense with one driveway. If he decides to put in duplexes instead, Mr. Lupo said all the trees would be removed and it would be an open field with duplexes. Duplexes are the only way to make it cost effective for him. He has spoken to neighbors, and they expressed they did not want to see duplexes.

Mr. Wertis suggested postponing the public hearing for another two weeks and use the August 4 meeting to further discuss options. Ms. Adams said she would like to see County Planning's Scott Doyle meet with Mr. Lupo to discuss the County's reasoning for the expressed recommendations. She would be willing to attend such a meeting.

Mr. Lupo said he would need to begin cutting trees as soon as possible, if it is determined that duplexes would be the better option. Ms. Kiley said the Planning Board should inform the County that Mr. Lupo is considering duplexes. He added the County's recommendations would require more buildings in order to make the project cost effective.

The Board reached a consensus to use the ensuing days leading up to the August 4 public hearing as an information-gathering exercise.

Mr. Lupo left the meeting at 7:52 p.m.

Ms. Thomas arrived at 7:53 p.m.

**Zoning Update from Town Supervisor Liz Thomas**

Mr. Wertis said he realized he was not completely clear on the Town Board's work relative to grants and programs for Zoning matters. It seemed to make sense to have Ms. Thomas give a brief report to the Planning Board.

Ms. Thomas referenced the awarded grant for Zoning updates, which will target Zoning in the Ag and Hamlet districts and, if funding allows, a residential area that surrounds the village. Asked whether or not Zoning regulations and design guidelines are included within the grant's scope of work, Ms. Kiley said they are. Ms. Thomas continued, saying additional matters previously expressed by the Planning Board – including communication between the Planning Board and Board of Zoning Appeals, language in regard to excavation, the allowable number of farm animals in a residential area, and the definition of family – will be changed in the Zoning through the work with General Code. The Town is still waiting on General Code to send back a formal manuscript, which the Town Board will then vote on. In regard to choosing a firm to lead the rezoning process, Ms. Thomas said Ms. Kiley and Town Board Member Nancy Zahler wrote up an RFQ and five firms submitted proposals to the Town before the July 20 deadline. A Town committee comprised of two members each from the Town Board, Planning Board, BZA, and former Town Comprehensive Plan Committee, will be put together to work alongside the planning firm. The role of each committee member will not only be to work with planners but to act as liaisons to their respective boards. The grant covers 21 months, according to Ms. Kiley. As part of the grant, the Town plans to reach out to the agricultural community and members of the Jacksonville hamlet for guidance. Public workshops are planned.

Mrs. Thomas left the meeting at 8:07 p.m.

### **Solar Regulations**

After reading through material supplied by Ms. Kiley and speaking again with Melissa Kemp, Ms. Adams said she feels the Town needs to get moving on solar regulations and cannot afford a lot of time for setting up road blocks. There is a time limit for the federal tax credit on residential solar and, in terms of global warming, more needs to be done to find alternatives to fossil fuels. Ms. Adams said her proposal is simple, classifying solar installations as either major or minor. For the most part, she finds the Town of Geneva's solar regulations to be pretty good, though the law could be pared down. For roof-mounted installations in residential zones, Ms. Adams said she does not see much of an issue: the only requirement is a building permit. In regard to ground-mounted systems, Ms. Adams has proposed limiting total coverage to no more than .5 acre, requiring projects to attain a building permit and to meet height and setbacks, and prohibiting front-yard installations. She asked the Planning Board how best to look at size, either by lot coverage or kilowatt output. Site Plan Review on ground-mounted arrays within the Residential Districts is another area that needs to be addressed, she said.

Mr. Salino calculated that a 50-kilowatt system could power five households per year. Generally, 7 to 12 kilowatt systems are used for a single house, Ms. Kiley added. Ms. Kiley said calculating the footprint of a ground-mounted solar array is tricky, since posts are used to elevate arrays.

The conversation briefly turned to the New York State Unified Solar Permit. Ms. Kiley stated that the Unified Solar Permit does not apply to ground-mounted systems and clarified that the

Town is not considering adopting the permit because it requires only one inspection, which is not possible in a town that does not have its own electrical inspector.

Asked by Mr. Wertis about the need for additional zoning language for roof-mounted systems, Ms. Kiley said she did not see a need, but rather accessory use could be written into every zone.

Mr. Salino felt the Planning Board should avoid basing installation size on kilowatt output. The more kilowatt hours produced, the better. The Planning Board should be exploring square footage as an indicator of size, he said.

On the subject of front yard installations, Ms. Adams said the possibility seems controversial and cited the Town of Ithaca as a township that does not allow arrays in front yards. Mr. Wertis suggested no installations in front yards without Site Plan Review, which Ms. Adams called a reasonable request. She said she was open to discussions involving lot-coverage requirements for ground-mounted systems. If left as is, lot coverage requirements would trigger a zoning variance request rather than Site Plan Review, she said. Is there another way to issue a variance while keeping the project within the scope of Site Plan Review? Ms. Adams asked. Ms. Kiley said no. Board members said more criteria are needed to determine what goes through Site Plan Review.

The Planning Board reached a consensus to review the Town of Geneva's solar regulations in depth, with the intention of adopting parameters of the law that best suit the Town of Ulysses. The subject will be a priority item on the Board's next meeting on August 4.

### **Open Development Areas**

During a brief discussion, Mr. Blake distributed a statute out of the Town of Aurora that deals with ODAs. The subject could be addressed at the Board's August 18 meeting, he said.

### **Town Board Liaison Report**

Referencing Ms. Thomas's report to the Board, Mr. Goldman said he had not realized there had been a communication gap between the Town Board and Planning Board relative to the grant scope. There could have been better communication, and, as town liaison, Mr. Goldman said he is responsible for that.

Lastly, Ms. Adams asked for clarity on the Cold Springs Road project, particularly if the site could be designated as an Open Development Area, where roads are not required to meet certain standards. Ms. Kiley said ODAs apply to existing lots, and Mr. Lupo has proposed a new subdivision. Responding to a question from Mr. Goldman, Ms. Kiley said Mr. Lupo could clear cut the entire area if he wanted.

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

Meeting adjourned at 8:51 p.m.

Respectfully submitted by Louis A. DiPietro on July 24, 2015.