

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
August 4, 2015**

Approved: August 18, 2015

Present: Chairman John Wertis; Board Members Sarah Adams, David Blake, David Diaz, and Craig Salino; Environmental Planner Darby Kiley.

Members of the Public Present: Carl Lupo, Paul Miller Jr., Mark Scibilia-Carver, William Miller, Paul Ginalski, Renata Dawson, Mark Finnigan, Violette Banks, Anita Fitzpatrick, Dale and Marilyn Rose, James Brown, and Jeff Brown.

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

Agenda Review; Minutes Review (7/21/2015)

Mr. Blake MADE the MOTION to approve the July 21, 2015 meeting minutes, and Mr. Salino SECONDED the MOTION. The minutes were unanimously approved, 5-0.

Public Hearing: Consideration of SEQR and Preliminary Subdivision Approval for the proposed five-lot subdivision on a parcel with frontage on the south side of Cold Springs Rd and the west side of Trumansburg Rd, Tax Parcel Number 25.-1-1.1, H1-Hamlet District. The proposal is to create five lots for single-family residences, where the lots would have the following dimensions: Lot 1 with 2.212 +/- acres and 96.57 +/- feet of frontage on Cold Springs Rd; Lot 2 with 3.575 +/- acres and 50.00 +/- ft of frontage on Cold Springs Rd; Lot 3 with 3.704 +/- acres and 50.00 +/- feet of frontage on Trumansburg Rd; Lot 4 with 1.752 +/- acres and 153.21 +/- feet of frontage on Trumansburg Rd; and Lot 5 with 6.262 +/- acres and 147.13 +/- feet of frontage on Trumansburg Rd. Carl Lupo and Leon Newhart Jr, Owners/Applicants; Jose Guisado, Agent.

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

Mr. Lupo gave a brief overview of the proposed development project, saying he decided on lots for residential homes instead of leveling the area and putting in 16 low-income units. He tried to keep the project as low-density as possible and to not disturb the surrounding wooded area.

William Miller said his first concern was the potential for the five lots to be subdivided in the future. Mr. Lupo said that decision would be left to the property owner, who would then need Planning Board approval. Another resident asked about water run-off and erosion. Ms. Kiley then explained the Town's Storm Water Law, the parameters for which go into effect when land disturbance is equal to or exceeds 1 acre. An erosion and sediment plan is required when land disturbance is between 1 and 5 acres, and any disturbance exceeding 5 acres would need something like a swale or pond, she said. Under Mr. Lupo's plans, all areas of disturbance are

under 5 acres. Asked by an audience member about the extent of land disturbance, Mr. Lupo said he intends only to remove the trees obstructing home construction and to retain the natural aesthetic of the surrounding wooded area.

Jim Brown believes the project to be a good plan. The Town needs more affordable housing – not low-income or \$300,000 homes, he said. The project will increase tax rolls, and it compliments the Jacksonville Hamlet well. He said Jacksonville has a lot of homes that look nice and some that don't, and Zoning has yet to have an effect on improving the appearance of the latter. Ms. Adams noted the Planning Board has no control over how much these single-family homes will cost or what they will sell for.

Mr. Blake stated one of the issues with the project relates to the number of driveway cutouts. Plans include two driveways on Cold Springs Road and three on Route 96. Tompkins County planners have expressed their preference to limit the number of driveways on Route 96.

Mr. Rose asked if the proposed homes would be included in the Jacksonville water district. Mr. Lupo said they would be included, and natural gas would be supplied to the homes as well. All homes would have septic systems and leach fields, he added.

Responding to a question from Mr. Rose about lot-clearing, Mr. Lupo said there will be plenty of trees in the area once land is cleared to accommodate house construction. Thinning part of the area will allow other younger trees to grow. Also, there are roughly 20 downed trees in the wet areas of the property. Better to harvest them now than to let them die, he said.

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

Planning Board members were informed of a written comment submitted by Michael Boggs. Members reached a consensus to reopen the public hearing to include Mr. Boggs' comments as part of the record.

Mr. Wertis MADE the MOTION to re-open the public hearing, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

August 4, 2015
Darby Kiley - Planner
Town of Ulysses
10 Elm Street
Trumansburg, NY 14886

Re: Public Hearing: Consideration of SEQR and Preliminary Subdivision approval for the proposed five lot subdivision on a parcel with frontage on the south side of Cold Springs Rd and the west side of Trumansburg Rd Tax Parcel Number 25.-1-1.1.

Dear Ms Kiley

I have the following comments/concerns regarding the subdivision noted above. Please see the reference notes on the attached proposed subdivision map.

- 1) The subdivision map simply shows a “small ditch” when in fact this is “Cold Springs” that the road is named after. I would be disappointed to see this dug up and simply buried with a drainage pipe. Please refer to 17.6.2 Stream Protection Setback in the Town of Ulysses Zoning Law regarding minimum buffer requirements. The subdivision map shows the minimum circle for a septic system on the spring.
- 2) Setbacks: Please refer to 14.5 Lot area and Yard Requirements in the Town of Ulysses Zoning Law. This structure was constructed without a permit and fell into a “gray area” of our laws. How will the Town of Ulysses deal with additional structures in this subdivision? Quote “Minimum rear yard setback shall be 35 feet, except for detached garages and other accessory structures, in which case the minimum setback shall be 5 feet.”
- 3) Please refer 18.3.21 Drainage Improvements in the Town of Ulysses Zoning Law. I am at a lower potential from the subdivided lots. The proposed subdivision map does not address mitigation of drainage when the land is changed from forest to impermeable surfaces as well as spoils from digging of foundations that will change the topography as also happened at Lot 535613-003 where the lot was cleared and the topography raised to drain on my property.
- 4) The subdivision map simply shows a line where in fact there is a permanent creek. Please refer to 17.6.2 Stream Protection Setback in the Town of Ulysses Zoning Law regarding minimum buffer requirements. This creek runs diagonally across the access point. This requires 50 feet of buffer on each side of the stream.

Thank you for considering my comments.

Sincerely,
Michael Boggs
607-342-6633
1904 NYS RT 96 PB 0255
Jacksonville, NY 14854-0255

Mr. Wertis MADE the MOTION to include Mr. Boggs’ comment as part of the official record, and Mr. Diaz SECONDED the MOTION. The motion was unanimously approved.

Ms. Adams referenced Lot 5 and plans for handling a nearby impermanent creek. She said she has yet to see any plans showing driveways.

Mr. Lupo said there would be two culvert pipes, which the DEC approved so long as the applicant did not divert or stop flow of the stream. He is also required to install culvert pipes of a particular size, a requirement he does not take issue with.

Ms. Adams asked how the creek is classified – either as a permanent or impermanent creek? In response, Ms. Kiley said Town Zoning defers to the USGS maps, which classify the creek as impermanent.

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

SEQR for Cold Springs Road project

The Planning Board reviewed each item in Part 2 of the Short Environmental Assessment Form, pausing to talk more in depth on item No. 10, which dealt with the potential for erosion, flooding or drainage problems. Though the project is thought to have little to no significant impact on erosion, Mr. Diaz recognized that there would likely be some impact. Planning Board members then discussed stating such concerns in Part 3 of the form.

Ms. Adams referenced the fact that the Planning Board did raise questions similar to those expressed by Mr. Boggs in his comments. She said the USGS maps of the Town are based off outdated information from 1971, and water flow tends to change terrain over time. The DEC has classified the stream as Class C, Mr. Lupo said. Ms. Kiley added Class C streams are the least protected streams.

The Planning Board reached a consensus to include two comments in Part 3 of the Short Environmental Assessment Form.

Mr. Wertis MADE the MOTION to include the following comment in Part 3, and Ms. Adams SECONDED the MOTION:

That the Planning Board hopes future developers of the Cold Springs Road project remain cognizant of the existence of two streams on the property, one of which – Cold Springs – has both environmental and historical importance. Both streams, which are tributaries of Taughannock Creek, should be protected as much as possible. Furthermore, the Planning Board recognizes plans for two driveways to traverse the pre-existing stream located on proposed Lot 5. Culverts for the stream are to be sized appropriately and upstream drainage will be calculated for various sized flood events.

The vote was as follows:

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

Result: Comment approved

Ms. Adams asked to include a comment stating Mr. Lupo's intention to retain the wooded lots and to minimize land disturbance as much as possible.

Mr. Diaz MADE the MOTION to include the following comment in Part 3 of the Short Environment Assessment Form, and Mr. Blake SECONDED the MOTION:

That the Planning Board recognizes it is the intent of the developer to keep the proposed lots primarily wooded.

The vote was as follows:

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

Result: Comment approved.

Mr. Wertis MADE the MOTION to accept SEQR Parts 2 and 3 as printed with additional motions, and Mr. Salino SECONDED the MOTION. The motion was unanimously approved.

SEQR Resolution

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

WHEREAS:

1. The proposed Subdivision is located in Jacksonville with frontage on Cold Springs Rd and Trumansburg Rd, Tax Parcel Number 25.-1-1.1, H1-Hamlet District. The proposal is to create five lots for single-family residences, where the lots would have the following dimensions: Lot 1 with 2.212 +/- acres and 96.57 +/- feet of frontage on Cold Springs Rd; Lot 2 with 3.575 +/- acres and 50.00 +/- ft of frontage on Cold Springs Rd; Lot 3 with 3.704 +/- acres and 50.00 +/- feet of frontage on Trumansburg Rd; Lot 4 with 1.752 +/- acres and 153.21 +/- feet of frontage on Trumansburg Rd; and Lot 5 with 6.262 +/- acres and 147.13 +/- feet of frontage on Trumansburg Rd. Carl Lupo and Leon Newhart Jr, Owners/Applicants; Jose Guisado, Agent; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting in this uncoordinated environmental review with respect to Subdivision Approval; and
3. The Planning Board, on July 7, 2015, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, and
4. The Planning Board, on August 4, 2015, reviewed and accepted Part 2 prepared by Town staff, and completed Part 3; and
5. The Town Zoning Officer has recommended a negative determination of environmental significance with respect to the proposed Subdivision Approval;

NOW THEREFORE BE IT RESOLVED:

That the Town of Ulysses Planning Board hereby makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and, therefore, an Environmental Impact Statement will not be required.

The vote was as follows:

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

Result: SEQR Determination approved.

Resolution for Preliminary Plat Approval

Mr. Wertis noted the proposed project demands two submissions for approval. He also stated the County's preference for a cul-de-sac to and from the proposed development, so as to limit the number of road cuts. To approve the plat and final plat, the Planning Board would need a supermajority vote.

Mr. Blake asked whether or not the Planning Board should have specifics as to where the driveways will be located. Currently, the Board has not seen any driveway plans. Ms. Kiley said she does not believe the Planning Board is required to have such plans.

Ms. Adams recognized that each lot could accommodate a house without need for future variances. She does not want to approve the plat if future property owners would need variances.

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

WHEREAS:

1. The Town of Ulysses adopted zoning regulations in Local Law No. 3 of 2013 include Article XXI – Land Subdivision Regulations, Section 21.3 establishing criteria for Subdivision Procedures; and
2. The proposed Subdivision is located in Jacksonville with frontage on Cold Springs Rd and Trumansburg Rd, Tax Parcel Number 25.-1-1.1, H1-Hamlet District. The proposal is to create five lots for single-family residences, where the lots would have the

following dimensions: Lot 1 with 2.212 +/- acres and 96.57 +/- feet of frontage on Cold Springs Rd; Lot 2 with 3.575 +/- acres and 50.00 +/- ft of frontage on Cold Springs Rd; Lot 3 with 3.704 +/- acres and 50.00 +/- feet of frontage on Trumansburg Rd; Lot 4 with 1.752 +/- acres and 153.21 +/- feet of frontage on Trumansburg Rd; and Lot 5 with 6.262 +/- acres and 147.13 +/- feet of frontage on Trumansburg Rd. Carl Lupo and Leon Newhart Jr, Owners/Applicants; Jose Guisado, Agent; and

3. The lots created by the proposed Subdivision meet the zoning requirements for the H1-Hamlet District; and

4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on August 4, 2015, has made a negative determination of environmental significance with respect to this project, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2 and 3; and

5. The Planning Board, at a Public Hearing on August 4, 2015, has reviewed and accepted as adequate the plat entitled, "Subdivision Map Showing Lands of Carl Lupo, Located on Cold Springs Road & New York State Route 96, Town of Ulysses, Tompkins County, New York," dated 7/1/2015, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and

6. The Tompkins County Planning Department completed the General Municipal Law §239-1 and -m review of the project, and determined that the project may have negative inter-community, or county-wide impacts and recommend modifications to the proposal regarding a single access cul-de-sac to the subdivision, and without the modification, a supermajority is required to approve the proposal; and

7. Zoning Law Sections 21.3.5.1 and 21.3.23 allow the Planning Board to waive subdivision requirements, where it finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of lack of connecting facility adjacent or in proximity to the proposed subdivision; and

8. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Town of Ulysses Planning Board hereby waives certain requirements for Preliminary and Final Subdivision Approval, as shown on the Subdivision Checklist, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of subdivision control nor the policies enunciated or implied by the Town Board; and

2. The Planning Board considered the Tompkins County Planning Department recommendations pursuant to the General Municipal Law §239-1 and –m review and finds that the proposed lot arrangement is in keeping with the H1-Hamlet District regulations and while a single access road may be desirable, it is not a requirement for subdivision approval; and

3. That the Planning Board of the Town of Ulysses hereby grants Preliminary Plat approval for the subdivision as shown on the plat entitled, “Subdivision Map Showing Lands of Carl Lupo, Located on Cold Springs Road & New York State Route 96, Town of Ulysses, Tompkins County, New York,” dated 7/1/2015, by T.G. Miller P.C. Engineers and Surveyors.

The vote was as follows:

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

Mr. Wertis proposed examining the final plat at the Planning Board’s next meeting on August 18. Ms. Adams thought the Planning Board had other matters to address, and, further, that the Board had previously agreed to designate the second meeting of the month for general zoning matters.

Ms. Adams MADE the MOTION to retain the second meeting of the month for zoning matters and revisit the final plat on the Board’s September 1 meeting. Mr. Blake SECONDED the MOTION.

The vote was as follows:

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

Result: Motion approved

Mr. Lupo left the meeting at 8:03 p.m.

Solar Regulations

Ms. Adams led the Planning Board’s discussion on proposed solar regulations, which are based off those from the Town of Geneva. She included a number of comments on the Geneva regulations and pointed the Board to provisions limiting ground-mounted solar projects to no

more than 4,000 square feet and roof-mounted systems to no more than 6 inches of clearance above the roof. On the subject of roof clearance, Ms. Adams said she foresees people trying to build frameworks on roofs in order to achieve the most efficient orientation with the sun. That could have a negative aesthetic impact, she said, and noted Site Plan Review would give the Planning Board the opportunity to review proposals. Ms. Adams said the 6-inch maximum appears to be the standard for roof-mounted systems.

Mr. Salino did not understand the reasoning for the 6-inch limit, guessing that the figure is part of provision within New York State's solar grant initiative.

It was suggested that other solar professionals review Ms. Adams's revised solar regulations. Melissa Kemp of Renovus has previously reviewed parts of the proposed solar regulations, she said, and Ms. Adams preferred to include someone else with a slightly different prospective since most solar professionals in the field do not want any regulations.

A discussion on the aesthetics of roof-mounted solar projects ensued. Mr. Salino said he did not want to restrict anyone from putting up a roof-mounted array. Not every roof-mounted installation is the same, and there may be instances where more than a 6-inch clearance is necessary.

The Board reached a consensus to review the proposed regulations in the coming weeks, paying particular attention to questions concerning lot coverage, 4,000-square foot coverage maximum, the 6-inch roof clearance, design standards, and allowable uses in all districts. Both copies of the proposed regulations – Ms. Kiley's original, and the original with Ms. Adams's comments – would be sent to others in the solar field, including those not affiliated with any solar-installation company.

Mr. Diaz stated that there should be regulations associated with setbacks from solar installations adjacent to inhabited structures. Site Plan Review may be the right way to go, even for small projects located within inhabited structures, he said. Also, he suggested Unique Natural Areas, state-owned lands, and lands secured by the Finger Lakes Land Trust be included within the "Areas of Potential Sensitivity" section of the proposed regulations. Ms. Kiley took down Mr. Diaz's suggestions to incorporate within the regulations.

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

Meeting adjourned at 8:41 p.m.

Respectfully submitted by Louis A. DiPietro on August 7, 2015.