

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
October 20, 2015**

Approved: 11/3/15

Present: **Chairman** John Wertis, Lisa Anderson, Pete Angie, David Blake, Rebecca Schneider; Environmental Planner Darby Kiley; Town Board Liaison Richard Goldman.

Excused: David Diaz

Call to Order: 7:01 p.m.

Ms. Anderson was named a voting member in place of David Diaz, who had a work emergency and was unable to attend.

Agenda Review; Minutes Review (10/6/2015)

Mr. Blake MADE the MOTION to approve the October 6, 2015 meeting minutes, and Ms. Schneider SECONDED the MOTION. The minutes were unanimously approved, 5-0.

Open Development Area Discussion

Mr. Wertis began the discussion with his interpretation of the intentions behind New York State Law 280a. He believes 280a was passed largely to help towns without zoning, Site Plan Review or subdivision laws in the event that a developer proposed a large development. In essence, 280a would require the developer to go through some hoops, he said, including the construction of any new roads to and from the proposed development site. The law, as written, is sort of hazy, he said. Adding to the confusing is what actually constitutes the geographic area of an Open Development Area. In the first of two recent ODA proposals reviewed by the Planning Board, the ODA included two properties. During the second ODA proposal – referred to as the Kearn proposal – it included a single 2 +/- acre parcel. It is Mr. Wertis's thought that the ODA should incorporate any developable property in the given area. He asked Planning Board members how the Board would define the literal borders of the ODA site. Is the ODA site confined to the applicant's property alone, or does it include all adjacent properties along an access road? he asked.

Mr. Blake thought any ODA should include properties that use the access road in question. All properties would be part of the ODA, and a road maintenance agreement would be worked out among the property owners.

Ms. Schneider suggested seeking direction from Town Counsel on 280a.

Mr. Goldman asked the Board what part of 280a was not clear, to which Mr. Blake said there is uncertainty as to whether it is in the Town's purview to require a road maintenance agreement

among property owners on a private road. Is it not the right of the Town to ensure egress and ingress for emergency vehicles on a private access road? he asked.

Referencing the Kearn ODA, Ms. Kiley said deeds among the property owners stipulated a road maintenance agreement. If the access road needed to be widened by two feet, for instance, Mr. Kearn should have to pay that cost, she said. There was further discussion on responsibilities of road maintenance on access roads within ODAs.

Mr. Blake clarified that the proposed ODA guidelines are intended to provide the Planning Board guidance when making a recommendation to the Town Board.

The Planning Board worked through the proposed ODA guidelines and made several suggested changes in language. Mr. Goldman again asked for clarity as to where the Planning Board could use direction in regard to 280a. It was his thought that the Planning Board did its job when reviewing the Kearn ODA, even going so far as to inquire with emergency personnel about the accessibility of the road in question. Through Mr. Goldman's questioning, the Board expressed that it sought a more streamlined process for handling future ODA requests.

A Town map was also discussed. Ms. Kiley said the map could include private roads, making it easier for a property owner to obtain a Building Permit to develop on land located off a private road. Or, the Town could stipulate that an applicant is not automatically entitled to a Building Permit, even if the private road in question is included on the Town map.

The Planning Board reached a consensus to seek Town Counsel's guidance on the issue of ODA boundaries – Should the ODA boundary include all properties that use the same access road, Mr. Blake asked, or limit the size of the ODA to the applicant's property? Ms. Schneider said the Board should consider the cumulative whole of the ODA, especially since the Town has many Lakeshore properties, an area of particular sensitivity.

Mr. Goldman asked how the Planning Board would respond if an existing private road to a proposed ODA is falling apart and fails to meet any standard. Mr. Blake responded, saying all the Planning Board could do is not recommend the ODA to the Town Board, citing the inability of emergency response vehicles to access the area.

The Planning Board continued its discussion over various aspects of the ODA guidelines, which, as Ms. Kiley pointed out, would be accepted as a local law. Board members offered several suggestions, and Ms. Kiley agreed to give whole sections a review, including Section 1 (Purpose), Section 3, part 5, and Section 4, part F. She also will seek Town Counsel's advice on whether a "no-recommendation" as mentioned in Section 4, part C, constitutes as a disapproval.

Public Hearing Notices to Neighbors

Mr. Wertis brought up a recent letter he received from the Town regarding a proposed subdivision. He said he had trouble visualizing the property in question. He wants to make it easier for neighbors located near a proposed subdivision to know the extent of the project. The letter could note, for instance, that additional information on the project can be found online.

Mr. Goldman thought the subject was best suited for the Town's Board of Zoning Appeals, since the letter was sent from the Town on behalf of the BZA.

Ms. Kiley said a number of changes are coming to the BZA section of the Town website. She also noted that the letters to neighbors are a courtesy from the Town and not required by law.

Ulysses Town Code Update

Ms. Kiley said General Code is compiling all Town laws into a single document to be accessible online. The document includes several zoning recommendations by the Planning Board, including review of BZA applications. The public hearing of the General Code document is scheduled for October 27, then the Town Board will vote to adopt it.

Responding to a question from Mr. Angie about how this process is communicated to the public, Ms. Kiley said information is relayed via the local newspaper and the Town's website.

Town Board Liaison Report

Mr. Goldman reported the Town Board recently passed the Town's 2016 preliminary budget. The budget's 1.7 percent increase in the property tax levy remains within the State's tax cap, he said. The public hearing for the budget will be held Tuesday, Oct. 27.

Ms. Kiley said the Planning Board could choose to meet once a month with fewer applications likely to be submitted during the winter months.

Appoint Vice Chair

Mr. Wertis MADE the MOTION to appoint Mr. Blake to serve as Vice Chair of the Planning Board, and Ms. Schneider SECONDED the MOTION. The motion was unanimously approved, 4-0, with Mr. Blake abstaining from the vote.

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

Meeting adjourned at 8:20 p.m.

Respectfully submitted by Louis A. DiPietro on October 25, 2015.