

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
Tuesday, 11/17/2015
7:00 p.m.**

Approved: 12/1/15

Present: Chairman John Wertis; board members Pete Angie, David Blake, and David Diaz; Environmental Planner Darby Kiley; and Town Board Liaison Rich Goldman.

Excused: Lisa Anderson, Rebecca Schneider

Members of the Public: Brian Jackson

Call to Order: 7:00 p.m.

Agenda Review; Minutes Review (November 3, 2015)

Mr. Blake MADE the MOTION to approve the minutes with Mr. Wertis's suggested changes, and Mr. Angie SECONDED the MOTION. The motion was unanimously approved, 4-0.

Consideration of SEQR and Minor Subdivision Approval for a 3-lot subdivision on the corner of Perry City and Pine Ridge Roads, Tax Parcel Number 23.-3-7; A1-Agricultural and R1-Rural Residence Districts. The existing lot is approximately 13 acres and the resulting three lots would be 3.28 +/- acres, 2.33 +/- acres and 7.3 +/- acres. Neil Stevenson, Owner; Brian Jackson, Agent for the owner.

With no questions from Planning Board members and no statement about the project from Mr. Jackson, Mr. Blake MADE the MOTION to proceed with the SEQR, and Mr. Angie SECONDED the MOTION. The motion was approved unanimously.

Mr. Wertis said two of the present Board members had visited the site, a practice that is encouraged for such proposals. As for Part 1 of the SEQR, Mr. Wertis said he had a question about checklist item number 6, which asks: "Is the proposed action consistent with the predominant character of the existing built or natural landscape?" The item is checked Yes. Mr. Diaz said he had a similar question. Though he did not have the chance to visit the site, Mr. Diaz – viewing the site via Google Earth images – noted significant development in the vicinity. Several homes are clustered together to the east of the Stevenson's land. The property looks to be surrounded by farmland, he said, so how can the proposed subdivision be consistent with the existing character? In response, Mr. Angie said the lots are consistent with others in the area and are larger in size and not, say, half-acre lots. The Board reached a consensus to continue with Part 2 of the SEQR.

Referencing the same Google Earth images, Mr. Diaz said a pond is clearly visible on the property (referred to as Parcel 3 on the County Assessment map). He said the area is not

recognized as a federal wetland but asked if the Planning Board should consider the pond as part of the SEQR process.

Mr. Wertis said he did not see a pond or swamp when visiting the area. Ms. Kiley confirmed that the area is not recognized as a wetland. Mr. Diaz estimated the pond to be about 100 feet long and 50 feet wide, adding that, given the size, the Planning Board should know more about it. Mr. Jackson called the pond small and said the Stevensons intend to retain Parcel 3, where the pond is located. Mr. Wertis also pointed out what looked like a farm dump but said considering it at this time is not under the Planning Board's purview. He understands Mr. Diaz's concerns, though, because this is the only time the Planning Board would examine a property and determine if it is buildable. Board members reached a consensus to continue with Part 3 of the SEQR.

Mr. Wertis proposed comments to add to Part 3, and Mr. Diaz contributed a condition that special consideration be given to any water features:

"The Ulysses Planning Board notes that this subdivision is typical of many made by farmer/landowners where a woodlot (perhaps considered to no longer be a necessary and productive portion of the farm) is subdivided for future residential development. To be in keeping with the objectives of the Ulysses Comprehensive Plan (#1.1, 2.1, 2.5, 2.6 and 2.7) we would encourage future developers to keep construction hidden from road view by limiting building lot roadside tree removal, planting conifer tree visual buffers, burying utility lines, making driveway entrances narrow, and making the driveway themselves with "bends" so there is not a direct line of vision from the road to the construct. Special consideration should be given to any water features on any of the parcels."

Mr. Wertis MADE the MOTION to approve the Planning Board comments in Part 3 of the SEQR, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved.

Mr. Wertis said the Planning Board hoped the approved comments would be communicated to the Stevensons and to future buyers of the property. He said the comments are consistent with the Town Comprehensive Plan's charge to retain the rural look and are to be interpreted as a recommendation, not a requirement.

Resolution for SEQR

Mr. Blake MADE the MOTION to approve the SEQR, and Mr. Diaz SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Minor Subdivision Approval for the proposed three-lot subdivision located on the northwest corner of Perry City and Pine Ridge Roads, Tax Parcel Number 23.-3-7, A1-Agricultural and R1-Rural Residence District; Neil Stevenson, owner; Brian Jackson, agent for owner; 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 November 17, 2015, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, Part 2, prepared by Town staff, and other application materials; and
4. 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
Mr. Angie AYE
Mr. Blake AYE
Mr. Diaz AYE

Result: SEQR approved

Discussion ensued about whether or not to hold a public hearing. Mr. Angie asked about precedence and Mr. Blake stated that each proposal is unique. Ms. Kiley said neighbors within 500 feet of the property would be notified. There are three neighbors within 500 feet of the Stevenson property, and, if a public hearing were held, neighbors would be notified at least five days before the hearing and a legal notice would run in the local newspaper, she said. There would also be a sign placed at the property, Mr. Wertis added.

Mr. Wertis MADE the MOTION to not hold a public hearing, and Mr. Blake SECONDED the MOTION.

Mr. Diaz asked the reasoning for not holding a hearing, saying that neighbors have the right to a public hearing if the Planning Board gives them that right. Mr. Wertis said he has not picked up on any concerns from the community, and he would be hard-pressed to imagine what any objections would be, other than the possibility for two more properties in the area. Mr. Blake added that the lots in question are not small lots, and there is certainly development in reasonable proximity to the Stevenson site. He also noted neighbors have the right to avail themselves during the Planning Board's privilege of the floor. Asked by Ms. Kiley if the Stevensons have discussed the subdivision with their neighbors, Mr. Jackson said he imagined that they have. The land has also been advertised as for sale, he added. Ms. Kiley also noted the \$50 cost to the

applicant to run a legal notice in the newspaper. Considering the small number of neighbors, Mr. Angie said he would be okay with not holding a public hearing, but the Planning Board should inform the neighbors.

The vote was as follows:

Mr. Wertis AYE
Mr. Angie AYE
Mr. Blake AYE
Mr. Diaz AYE

Result: No public hearing

Resolution to approve the subdivision

Mr. Blake MADE the MOTION to approve the subdivision, and Mr. Diaz SECONDED the MOTION as follows:

WHEREAS:

1. The Town of Ulysses adopted subdivision regulations in the Zoning Law; and
2. The Owner, Neil Stevenson, and Agent, Brian Jackson, submitted the required documents, and paid the fees for a Minor Subdivision; and
3. The proposed Subdivision is located on the northwest corner of Perry City and Pine Ridge Roads, Tax Parcel Number 23.-3-7, A1-Agricultural and R1-Rural Residence District, and the lots created by the proposed Subdivision meet the zoning requirements; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on November 17, 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 meeting on November 17, 2015, has reviewed and accepted as adequate the map entitled, "Subdivision Map Showing lands of Neil Stevenson, located on Perry City Road, Town of Ulysses, Tompkins County, New York," dated 10/14/2015, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
6. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review; and
7. The Planning Board hereby waives the public hearing;

THEREFORE IT IS HEREBY RESOLVED,

1. For the foregoing reasons, the Planning Board determines that certain requirements of the subdivision regulations are not required to protect the public health, safety and general welfare; and
2. 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
3. That the Planning Board of the Town of Ulysses hereby approves the Simple Subdivision, as shown on the map entitled, "Subdivision Map Showing lands of Neil Stevenson, located on Perry City Road, Town of Ulysses, Tompkins County, New York," dated 10/14/2015, by T.G. Miller P.C. Engineers and Surveyors.

The vote was as follows:

Mr. Wertis AYE
Mr. Angie AYE
Mr. Blake AYE
Mr. Diaz AYE

Result: Subdivision approved

Mr. Jackson left the meeting at 7:38 p.m.

Open Development Area discussion

Mr. Blake provided a brief overview of the ODA draft, saying the intention is to make it easier for both the Planning Board and applicants to know what is expected when considering an ODA. The Planning Board relied on the Town of Aurora's ODA ordinance as well as input from Ulysses's own counsel. Reviewing the latest draft, Mr. Blake said he still took issue with Section 3, paragraph 6, note D, which, as written, requires a notarized or certified letter or report from a licensed engineer, architect or Fire Marshall regarding road accessibility to a proposed ODA. As a lawyer, Mr. Blake said he knows how easy it is for an applicant to pay an engineer or architect to say what they want them to say.

Mr. Wertis thought the ordinance was ready to pass along to the Town Board.

Mr. Wertis MADE the MOTION to accept the ODA draft and move it along to the Town Board for formal adoption, and Mr. Blake SECONDED the MOTION.

Various edits were proposed during the ensuing discussion, including a proposal put forth by a motion from Mr. Wertis to remove the Town Clerk as the party responsible for referring the ODA plan to the Town Engineer, Zoning Officer and Town Attorney for review. However, the motion failed for lack of a second. After more suggestions were made, the Planning Board

reached a consensus to permit Ms. Kiley time to make the necessary changes and prepare an updated draft.

Mr. Wertis withdrew his motion to pass along the ODA draft to the Town Board.

Planning Board Awards discussion

Mr. Wertis circulated two photos of examples of local business development projects that supported goals of the Comprehensive Plan. He requested the Planning Board begin recognizing property owners who kept the Comprehensive Plan in mind during their development projects. The Board would craft a simple certificate, frame it, and present it to award recipients. He suggested Judith Cone be the first to be recognized for retaining the rural character of a newly renovated farmhouse into business offices.

Mr. Wertis MADE the MOTION to award Ms. Cone with the award, and Mr. Blake SECONDED the MOTION.

Mr. Blake thought it would be better to include development projects from the past as well. Mr. Diaz said the idea made him cautious, but he was not sure why. Mr. Angie suggested holding a year-end event where a group of property owners would be recognized. Mr. Wertis liked the idea and suggested drawing up a list of perspective participants. He said he would fine-tune the parameters for the award for the Board's next meeting.

Mr. Wertis withdrew the motion.

The Planning Board held a brief discussion on recent training.

Town Board Liaison Report

Mr. Goldman was asked to provide an update on where the Town Board was with the solar ordinance. Ms. Kiley first reported that the Town Board reviewed the Planning Board's recommendations and made changes. The final document was the subject of a public hearing last week. Mr. Goldman said Mr. Wertis's son attended the hearing and made several good points, which led to the Town Board making changes to reflect those points. Ms. Kiley said a minimum size for a minor installation was established at 60 square feet, a recommendation made by Renovus Energy's Melissa Kemp, who attended the public hearing. The Town Board also eliminated a condition requiring the removal of minor systems that are non-operational for a year. As the Board read it, Mr. Goldman said, it is of no concern if a roof-mounted system is shut off for an extended amount of time. The final ordinance will come before the Town Board for formal adoption next week, Ms. Kiley said.

During a concluding discussion, the Planning Board reached a consensus to rescind a previous resolution that established the first meeting of the month as a business meeting and the second meeting as a work session.

Mr. Wertis MADE the MOTION to rescind the previous resolution designating the first meeting of the month as a business meeting and the second meeting as a work session. Mr. Blake SECONDED the MOTION.

The vote was as follows:

Mr. Wertis AYE
Mr. Angie AYE
Mr. Blake AYE
Mr. Diaz NAY

Result: Resolution rescinded

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

Meeting adjourned at 8:31 p.m.

Respectfully submitted by Louis A. DiPietro on November 19, 2015.