

**TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
Tuesday, 12/15/2015
7:00 p.m.**

Approved: January 5, 2016

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

Public Present: Kent Garrison, Francesca Crannell, Lawrence and Cheryl McCann, and Thomas Mayo and Melissa Kemp of Renovus Energy

Call to Order: 7:01 p.m.

Agenda Review; Minutes Review (December 1, 2015)

Mr. Blake MADE the MOTION to accept the amended December 1, 2015 meeting minutes, and Ms. Schneider SECONDED the MOTION. The motion was unanimously approved, 5-0.

Privilege of the floor: No one from the audience addressed the Board

Sketch Plan: Consideration of Sketch Plan/Site Plan approval for the construction of a single-family residence located at 32 Maplewood Rd, Tax Parcel Number 27.-5-11, LS- Lakeshore District with the Slope Overlay Area and Unique Natural Area. Francesca Crannell and M. Kent Garrison, owners/applicants.

Mr. Wertis referenced the Town Zoning document that states the Planning Board Chair is to provide a detailed list of necessary materials for a detailed site plan. However, it is not the Planning Board Chair that issues the list, but Ms. Kiley.

Preliminary questions from Board members dealt with the lot size of .7 acres, which falls below the 5-acre minimum requirement for development. Ms. Kiley pointed out that the parcel is a legal non-conforming lot, meaning that the property predates Town Zoning law. There had been a house on the property that was razed six or seven years ago, and Mr. Blake questioned whether or not the applicants forfeited the right of grandfathering. Ms. Kiley explained that it is still considered a grandfathered lot, and the applicants may still build a home on the parcel, so long as they meet appropriate setback requirements. Mr. Wertis cautioned that the Planning Board is being asked to review a proposal that may change based on the Board of Zoning Appeals determination on the variance request.

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

Four Board members visited the site at Maplewood Road. Ms. Schneider said she is very concerned about erosion and water runoff. Though the applicants have stated that they do not plan to take down trees on the site, they will need to cut into a nearby bank, which Ms. Schneider said carries shallow subsurface water flow. To her knowledge, this project is one of the first proposed in the steep slope area, and she said the Planning Board should be careful about what they allow in such a sensitive area. The entire foundation of the house is concerning, she said.

Mr. Wertis said he had the same feelings and would like to see what is planned for the land behind the house. In the past, the Planning Board has completed site plan reviews of structures in the steep slope area, he said, but at the time, the Board did not have a firm handle on what its options were and the appropriate information to request from applicants. He said he is not clear on the extent of slope excavation for this particular project. Mr. Garrison suggested having his engineer, John Andersson, review the design in regard to water run-off analysis.

Ms. Schneider noted the proposal is on a steep slope and is located in a Unique Natural Area. These zones were created to safeguard the lakeshore, and the architect and engineer should be cognizant of these issues. She requested more information on the extent of the slope cut and that the architect be open to alternate designs that minimize excavation of the slope. A six-foot deep cut, for instance, is a lot, she said. Mr. Garrison said it would be a good idea to hear opinions of both his architect and engineer. They will talk with their architect and have something drawn up, he said. Ms. Schneider continued, saying it is not just a matter of insufficient information. There are larger, more general concerns regarding the project, and she cautioned she would still have worries about the foundation of the building, regardless of whatever new information is presented to the Board. Mr. Garrison asked if she would be more comfortable if Mr. Andersson vouched for the integrity of the design, to which Ms. Schneider said no, since Mr. Andersson is ultimately supporting whatever the applicant wishes.

Mr. Diaz said a bald eagle's nest is located nearby and is almost visible from the roadway. The Planning Board should look into how long the nest has been active and, if it is, to research information from U.S. Fish and Wildlife on appropriate buffers, he said. Mr. Blake said he was concerned about the driveway and its positioning. Entering and exiting is dangerous, he felt, and sight lines were limited, particularly when exiting to the north. Mr. Garrison said he has been using the driveway for several years and never experienced any issues.

Mr. Wertis turned the conversation to grading, saying that driveways tend to turn into streams, although he did not notice a lot of erosion on the applicant's driveway. He said runoff from the driveway would likely travel directly across the roadway. Mr. Garrison said a significant storm from last summer flooded the neighbor's lawn, but there was no debris that washed onto the roadway. The driveway does funnel water, he offered, but it diverts into a ditch and then a stream on the west side of Maplewood Road.

Ms. Schneider said significant storm events are happening more frequently, and she asked Mr. Garrison how he would handle stormwater in the event of another significant storm. He said he would talk with his architect or George Van Valen, an excavator, who does stormwater management and could provide insight into the matter. John Andersson is another resource, he said.

Currently, there is no culvert at the bottom the applicant's driveway, Mr. Wertis pointed out. Ms. Crannell said she spoke with the Town Highway Department, and they suggested putting a culvert in. They have been advised that they are to purchase the culvert and the Highway Department would install it, she said.

Mr. Wertis requested a grading plan, crafted by the architect, that would specify recommendations on how to handle drainage coming off the property and into the nearby ditch.

Septic was briefly discussed. After Ms. Schneider expressed concerns about the potential for subsurface smell, Ms. Kiley reminded the Board that the Health Department has already approved the applicant's septic system and that Mr. Andersson – the applicant's engineer – was a past director of the Health Department.

Mr. Diaz advised the applicants that any information they could provide that shows how they intend to handle water on the site would be helpful for the Planning Board. Mr. Wertis also mentioned having noticed the high embankment above the road. It appears to be shifting toward Maplewood Road, and though there are remnants of a fence or barrier, it is no longer functional.

Mr. Wertis proposed leaving open the sketch plan conference and closing it at the Board's next meeting.

Mr. Wertis MADE the MOTION to conclude discussion of the sketch plan, and Mr. BLAKE SECONDED the MOTION. The motion was unanimously approved.

Ms. Schneider said the Town had very specific goals for the Conservation Zone, the core goals being controlling erosion, density and development. The proposed application is very contrary to those intentions, she said. How many legally conforming lots are there in the steep zone? She asked.

Ms. Kiley said she did not have that information on-hand. The Planning Board does have options, however: it could prohibit homes in the Conservation Zone, require Planning Board review of construction within the zone, or recommend not building on steep slopes. This is, to Ms. Kiley's count, at least the fourth development in the Unique Natural Area.

Ms. Schneider said that the 0.7 acre lot that the applicant intends to build on is not even close to the required 5-acre minimum in the Conservation Zone. Plus, it sits on a steep slope. She thought the Planning Board should have looked at properties that fell into this Zone. Mr. Diaz agreed with Ms. Schneider's sentiment, adding that he would like to know how many legal, nonconforming lots there are in the Lakeshore Zone, lakeside or not. Was there ever a build-out for each of the zones? he asked.

Ms. Kiley said there was no build-out, but the Town had a good handle on the number of lots within the Zone. She has a spreadsheet with detailed information on every lot within the Town's Lakeshore Zone.

A discussion involving communicating concerns to the Town Board of Zoning Appeals ensued. The BZA was to review a variance request from Crannell-Garrison the following evening. Whether or not to hold a public hearing was also discussed. Ms. Schneider felt this particular project deserves a public hearing. The community approved tighter zoning in the Lakeshore and Conservation Zones, and this project tests those very measures. The public should be showing up, she said.

Ms. Crannell told Planning Board members of their intent to make this home their place of retirement. They purchased the property in 2008, and they currently own and live at a nearby residence that has 34 stairs down to the property, a safety concern to be considered when designing the home with accessibility as a priority. Their plan is to protect the lake, since they swim in Cayuga at least twice a week. They care very much about the neighborhood, and whatever they build, they want it to be done right, she said. They are not in any big rush to complete the house. It has taken seven years for them to get this far, she said, so it is okay if the project does not get approved this evening. They want to make sure they are doing the right things. That said, they would like to see the project approved because of the big investment they have made thus far.

Time was then spent crafting a message to the Board of Zoning Appeals.

Mr. Blake MADE the MOTION to pass along the following comment to the BZA, and Mr. Wertis SECONDED the MOTION:

“ The site plan is under discussion regarding the design and layout of the rear lot grading and how the grading would impact surface and subsurface water will flow through the property. The site plan discussion overlaps with and may impact the actual variance request for the rear lot setback.”

The motion was unanimously approved.

Responding to Ms. Crannell’s statement, Mr. Diaz said he appreciated her thoughts and stressed that the Planning Board is simply doing the due diligence required of them. With any project like this, the Board must review it against the Town Comprehensive Plan and Zoning Law because Board members do not want to be in a position where they have approved something that runs counter to the expressed goals of the community as a whole, he said.

Ms. Crannell expressed her appreciation for the surrounding wildlife and said they drink water pulled from the lake and filtered. She does not want runoff in her water supply.

Based on the Board’s discussion thus far, Mr. Wertis summarized that additional information is needed on the number of legal, non-conforming lots in the Lakeshore Zone and a decision needs to be made regarding whether or not to hold a public hearing. Ms. Kiley said the public hearing should be held following the completion of the sketch plan. The Board could choose to schedule the hearing for its next meeting, but the updated application may not be ready by then.

Mr. Garrison and Ms. Crannell left the meeting at 8:04 p.m.

Sketch Plan: Consideration of Sketch Plan for a 360 kW photovoltaic system on the northwest corner of Jacksonville and Agard Roads, Tax Parcel Number 20.-1-6.1; R1-Rural Residence District. The Sciencenter, located in Ithaca, NY, will be leasing approximately 1.81 acres of land from the Finger Lakes Grassroots Festival in order to install an offsite solar collector facility. Finger Lakes Grassroots Festival Inc., Owner; Renovus, Agent for the owner.

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

All six members of the Planning Board visited the proposed site of the solar array. Ms. Schneider commended the depth of the application, noting that it answered some of her initial questions concerning buffers for legal wetlands and stormwater. Responding to a question from Mr. Wertis, Mr. Mayo said the project area is pretty dry, while areas to the south are wet but dense. A large culvert will be needed for the entrance to the site, he said. Mr. Angie made note of the drive entrance/access road, saying the surrounding area is rural and many commuters take Jacksonville Road to get to Upper Taughannock Falls Park. A small buffer of trees would be removed for access to the site, he said. Asked about the possibility of a curved access road/drive to the site, Mr. Mayo said Renovus is trying to minimize the length of the drive as much as possible. Bends would only increase impact. The drive, as designed, will run 40 feet in length and be surfaced with number two crusher run, he said. Given the angles, Ms. Kemp said, commuters should not see any infrastructure from the roadway.

Mr. Blake asked what would be done post-construction to handle any glare. Ms. Kemp said they could address vegetation on the east side of the road. Beyond that, she was not sure what else could be done. She said Renovus would be committed to addressing parameters that the Planning Board may require during Site Plan Review, including mitigating any glare.

Mr. Wertis asked about decommissioning and noticed that there was nothing in the Renovus permitting package that held Renovus responsible for removing the array if it was ever abandoned. Ms. Kemp said Renovus does not own the project but would be happy to further define decommissioning and clarify that section.

A brief discussion ensued on the topic of setbacks and heat islands. Responding to a question from Ms. Schneider, Ms. Kemp said Renovus has never seen any issues with heat impacts. Ground-mounted solar arrays allow for air flow, she said. On the subject of setbacks, Ms. Kemp said the hope is stick with the array's designed location as much as possible, since another local non-profit has expressed interest in installing an array of their own on land directly south. Asked by Mr. Wertis about vegetation control, Ms. Kemp said the area would be mowed and no herbicides would be used.

Mr. Diaz asked if the residence located directly across the street had been notified of the project. Mr. Mayo said Renovus discussed the project with the homeowner, whose only suggestion was that the driveway entrance to the array not be located directly in front of his own drive.

Prompted to offer thoughts on closing the sketch plan and scheduling a public hearing that evening, Ms. Schneider recognized the significance of the solar project to the town. The public should be involved with this, she said.

A brief discussion of fencing ensued. Mr. Diaz asked if there were any alternative to a chain-link fence. Ms. Kemp said a chain-link fence is not Renovus's preference either, but both the bank and insurance company require it. If feasible, they could look into a coated chain-link fence, she said, to which Mr. Diaz said a black-coated fence would make sense.

Mr. Wertis advised the Board that they must close the sketch plan in order to schedule a public hearing.

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

Ms. Schneider MADE the MOTION to schedule the public hearing for the Board's meeting on January 19, 2016, and Mr. Diaz SECONDED the MOTION.

Responding to Ms. Kemp's question on process, Mr. Wertis said the Board could take action on the project on the night of the public hearing.

The vote was as follows:

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

Result: Public hearing scheduled for January 19, 2016

Both Ms. Kemp and Mr. Mayo agreed that Renovus would give a short presentation prior to the public hearing.

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

Meeting adjourned at 8:56 p.m.

Respectfully submitted by Louis A. DiPietro on December 20, 2015.