

**Town of Ulysses  
Planning Board Meeting (via Zoom)  
FINAL Meeting Minutes  
March 16, 2021**

**Approved:** August 17, 2021

**Call to order:** 7:01 p.m.

**Present:** Chair Linda Liddle, Rebecca Schneider, Rodney Bent, John Wertis, Pete Angie, Town Board Representative Rich Goldman, and Town Planner Jonathan Zepko.

**Members of the Public Present:** Eric Shatt, Deva Maas, and Krys Cail.

**Agenda Review:** None.

**Minutes Review (March 3):** Ms. Liddle presented a revised version of minutes from the March 3<sup>rd</sup> meeting, which the Board approved unanimously.

**Privilege of the floor:** Moved to the end of the meeting.

**Business:**

**Sketch Plan for Commercial Site Plan:** Eric Shatt proposes to construct a Farm Cidery at 4491 Reynolds Road, Tax Map # 24.-4-9.112. The property is approximately 18.9 acres in size and is located in the AR – Agricultural/Rural Zone. The proposal is to construct a 30' x 52' structure to in which a Farm Cidery operation will be operated.

Mr. Zepko informed the Board that the 239 Review had been approved by the County.

Discussion then turned to Mr. Shatt's redrawing of the site showing the correct setback requirements. Board members were happy with the new map. Ms. Schneider expressed concern that in the future, similar projects plainly show the correct setbacks.

Ms. Liddle then read the following into the Minutes:

**Town of Ulysses Planning Board  
Resolution # 3 (2021) for Negative SEQR Determination:**

4491 Reynolds Road, Tax Parcel 24.-4-9.112  
March 16<sup>th</sup>, 2021

WHEREAS:

1. This is in consideration of a site-plan approval for Redbyrd Orchard’s barn and cidery located at 4491 Reynolds Road, Tax parcel 24.-4-9.112. The proposed building is approximately 30 ft. x 52 ft. in size on an approximately 18.9-acre parcel in the Agricultural (AR) zone.

**NOW THEREFORE BE IT RESOLVED:**

That after careful consideration of the Full Environmental Assessment Form and evaluation of the possible impacts submitted by staff, the Town of Ulysses Planning Board hereby determines that:

1. The action is Unlisted. The Planning Board will act as Lead Agency in an uncoordinated environmental review with respect to the project; and
2. There is neither an anticipated increase in traffic nor a significant increase in residential density. With the installation and appropriate management of the waste water holding tank, the project will not result in significant adverse environmental impacts, and 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.

Ms. Schneider MADE and Mr. Bent SECONDED the MOTION, with voting as follows:

| Member              | Aye | Nay | Abstain |
|---------------------|-----|-----|---------|
| Linda Liddle, Chair | x   |     |         |
| Rodney Bent         | x   |     |         |
| Morris Klein        |     |     |         |
| Rebecca Schneider   | x   |     |         |
| John Wertis         | x   |     |         |
| Pete Angie          | x   |     |         |
|                     |     |     |         |

Further discussion of the site map continued. Ms. Schneider requested the language “included hand-written map of the building” be inserted under “Other Application Materials,” saying she wanted clear documentation in case anyone questions the Board’s decision on setbacks.

Ms. Liddle then read the following into the Minutes:

**Town of Ulysses Planning Board  
Resolution # 4 (2021) for Site-Plan Approval**

4491 Reynolds Road, Tax Parcel 24.-4-9.112.  
March 16, 2021

WHEREAS:

1. This is consideration of Site Plan Approval for Redbyrd Orchard barn and cidery located at 4491 Reynolds Road, tax parcel # 24.-4-9.112. The proposed building is approximately 30 ft. x 52 ft. in size on an approximately 18.9 acre parcel in an AR zone.
2. The Planning Board has reviewed and accepted as adequate, application materials including:
  - the application,
  - narrative,
  - survey map dated 8/8/2000,
  - Land Lease Agreement modifications,
  - Pole barn and waste-water holding tank plans,
  - Hand-written map showing location of the building, and
  - 239 Review.
3. The Planning Board, acting as lead agency for the project, has issued a Negative Declaration of Significance, pursuant to the New York State Environmental Quality Review Act (“SEQRA”), 6 NYCRR Part 617; and

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses is hereby following a streamlined checklist for site-plan review for farm operations pursuant to Town of Ulysses Law §212-19 section M and hereby waives a public hearing, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of site plan control nor the policies enunciated or implied by the Town; and
2. That the Planning Board of the Town of Ulysses hereby grants conditional Site Plan Approval for the proposed Redbyrd Orchard barn and cidery located at 4491 Reynolds Road, Tax Parcel # 24.-4-9.112, as shown on the application materials. Conditions are as follows:
  - a. Any future expansion of the facilities or processing capacity resulting in expansion to the waste-water treatment system will require review by this board.

Mr. Angie then interjected, saying he did not want a resolution to limit what Mr. Shatt and Ms. Maas can do in their own building. After a short discussion, Mr. Zepko told Board members that smaller changes that may not require a full on-site review and could be done in office.

Mr. Wertis then MADE and Ms. Schneider SECONDED the MOTION with voting as follows:

| Member              | Aye | Nay | Abstain |
|---------------------|-----|-----|---------|
| Linda Liddle, Chair | x   |     |         |

|                   |   |  |  |
|-------------------|---|--|--|
| Rodney Bent       | x |  |  |
| Morris Klein      |   |  |  |
| Rebecca Schneider | x |  |  |
| John Wertis       | x |  |  |
| Pete Angie        | x |  |  |
|                   |   |  |  |

The remainder of the evening’s discussion was about the flag-lot provision.

Mr. Wertis presented his proposal, in which he suggested adding the following sentence – the pole of a lot cannot exceed 25% of the lot’s total road frontage. Discussion from there focused on whether a maximum limit would encourage or discourage the use of flag lots.

Mr. Wertis said adding a limitation to the definition will actually limit the use of flag lots to get around road frontage, noting that road frontage numbers are a key part of limiting density in and around Ulysses. Ms. Liddle mentioned two recent flag-lot approvals made by the Board, noting that in both cases the plans seemed like a good use of space and allowed the property owners to stay within Ulysses’ zoning laws.

Ms. Schneider joined Mr. Wertis’s proposal, saying that the Board fails in its mission if it allows property owners to find ways to get around zoning. When asked for feedback, Mr. Zepko pointed out that flag lots are legal uses of land and that Ulysses zoning does require a rather high amount of road frontage. He added that the Planning Board has been allowing undersize lots.

Ms. Liddle asked if Board members felt strongly enough about the issue to present it to the Town Board to be discussed and Board members responded yes. Ms. Liddle then proposed sending part of the discussion to the BZA for feedback. The Board approved the motion unanimously.

Privilege of the Floor:

Resident Krys Cail spoke to the issue of flag lots as well. Most important to her, Cail stated, was the need for zoning language that did not change every three months or so. She said it was frustrating to try and stay on top of various zoning changes as she considered how to leave her land to her heirs. Ms. Cail added that with more discussion and maybe some training, the “good folks” of the BZA and the Planning Board could get a better understanding of the use of flag lots. She noted that she would prefer all Town boards moved ahead with the mindset of having a comprehensive plan that may get revised now and then but is not constantly tweaked for different projects.

Mr. Angie then asked Mr. Zepko if there was any literature about how flag lots affect communities. Mr. Zepko replied not to his knowledge and pointed out that the purpose of a flag lot is to allow access to back lands and it can be a useful tool. Ms. Liddle summed up saying it would be good to know if restricting pole size helps or hinders zoning law.

Meeting adjourned at 8:24 PM.

*Respectfully submitted by Maria C. Barry, August 23, 2021.*