TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
Tuesday, February 6, 2018

Approved: February 20, 2018

Present: Chair David Blake, and board members Rebecca Schneider, John Wertis and alternate Benjamin LeWalter; Town Planner Darby Kiley.

Excused: Sara Worden.

Mr. LeWalter was named a voting member for the meeting.

Public in Attendance: Charles and Mary Tutton, and Michael and Kathleen Moore

Call to order: 7:00 p.m.

Agenda Review; Minutes Review (01/16/18)

Mr. Wertis requested the Board consider a resolution he drafted.

Ms. Schneider MADE the MOTION to accept the January 16, 2018 meeting minutes, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

Privilege of the Floor: No one address the Board at this time.

Major Subdivision: Consideration of SEQR and subdivision approval for a five-lot subdivision, where three lots have previously been subdivided from the original parcel. The owners subdivided a 10.53 acre parcel in August 2016, a 10.87 acre parcel in January 2017, and an approximately 18 acre parcel in June 2017. The current proposal includes approximately 3.93 acres on the northeast corner of Dubois and Glenwood Heights Rds (parcel A); approximately 10.85 acres on the southeast corner of Dubois and Glenwood Heights Rds (parcel B); approximately 6.55 acres on the south side of Glenwood Heights Rd on the eastern boundary of the parcel (parcel C); and approximately 26.31 acre flag lot north of the existing farm house (parcel D). The address for the existing house is 1213 Glenwood Heights Rd, Tax Parcel Number 32.-1-12.2. Charles and Mary Tutton, owners.

Mr. Wertis MADE the MOTION to open the subdivision hearing, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

Mr. Tutton said much of the application explanation is outlined in his cover letter. He’s lived on the property for 71 years, and his health prevents him from farming the land any longer.

Ms. Schneider requested additional information, like topographical maps with streams and buffers.
Mr. Tutton said any plans to develop the land will be up to the buyer. The land has been erosion-free for many years. He is trying to keep ag out because tilling the soil will mean it will erode into Cayuga Lake. The land’s current ag lessee began with hay but eventually wanted to do land improvement, so the lessee tilled the fields for corn and oats. The Tutton’s were against it, and the land was damaged. Eventually, the Tutton’s got the lessee back to sod. Mr. Tutton said he is trying to screen buyers of the property. In fact, the couple turned down one potential buyer because he thought there were ulterior motives. The property was pulled off the market, but the Tutton’s have been forced to sell their additional land due to the Town’s ongoing zoning rewrites. Proposed guidelines would limit his ability to sell off the land he has.

Timeline was discussed, with Ms. Kiley saying Tompkins County Planning will respond to the proposal by the end of February or early March. Until then, the Planning Board has time to review the proposal. Ms. Schneider said the proposal represents a significant subdivision. She would like more information because it deserves proper attention. As presented, the subdivided lots are in an odd arrangement – the Parcel D flag lot, especially – she said, adding maybe there are better ways to subdivide the properties.

If someone buys the parcels, can the buyers subdivide further? Ms. Schneider asked. Ms. Kiley said yes. Unless I put in deed restrictions, Mr. Tutton said, which he would do on at least one parcel. He said his neighbors do not want more houses in the area. On the 4-acre parcel on the corner of Dubois and Glenwood (parcel A), Mr. Tutton said he would put in a deed restriction limiting the number of allowable houses to one. If it were not for the zoning proposal, the Tutton’s would be subdividing their properties incrementally rather than all at once.

Mr. Wertis said he was not sure how relevant some of the Board’s questions were in regard to the application. Ms. Schneider said this was the first time she was seeing the property; Mr. Tutton just offered to put in deed restrictions. All of this is useful information, she said. But our job is guided by what is in our current zoning, Mr. Wertis said.

Mr. Tutton circulated aerial photographs of the erosion damage on an adjacent property.

Mr. LeWalter said he would favor a public hearing, noting Parcel D’s flag lot orientation would put a driveway near the Russell property driveway.

Mr. Blake MADE the MOTION to review the SEQR, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

Ms. Schneider asked about process in light of Mr. Tutton’s statement that he would put in a deed restriction. Do deed restrictions have to be put in place prior to SEQR approval? She asked. We would want to consider the language before approving SEQR, Ms. Kiley said.

Mr. Tutton said the Russell’s have the right of refusal on parcel A. Further, Mr. Tutton said he would put a deed restriction on parcel A prohibiting any future subdivision and limiting it to one house. On the 11-acre parcel (parcel B), citing water issues, Mr. Tutton said he would use a deed restriction allowing that the property could only be subdivided in half. He said the current zoning
draft needs more work. If it gets approved as is, there will not be many new houses. We need to get away from agriculture in the Dubois and Glenwood area because the ground cannot take tillage. Mr. Tutton suggested the Planning Board offer some guidelines they would like to see in the deed restriction(s), and then they will all have a discussion.

Mr. Blake advised the Planning Board to keep the SEQR review open and address it again at the Board’s next meeting on February 20. The Board could then come back to Mr. Tutton with its thoughts on the proposal, once members have sufficiently reviewed the application. Mr. Wertis expressed his discomfort in holding up the process for deed restrictions, which are not a necessary consideration under the current proposal. A deed restriction is an option left for the applicant, he said. Mr. Blake said the Planning Board must wait to hear from County Planning before making a decision anyway. Mr. Wertis advised Ms. Schneider to visit the Tutton site. Mr. LeWalter said he was in favor of additional time to review and digest the application.

The Planning Board opted to set a public hearing date.

Mr. Wertis MADE the MOTION to schedule the public hearing for March 6, and Mr. Blake SECONDED the MOTION. The motion was unanimously carried.

Can the Planning Board condition subdivision approval by requiring deed restrictions? Mr. Wertis asked. Ms. Kiley said they could, but the deed restrictions have to be in consultation with or proposed by the applicant. She advised the Planning Board not to make decisions based on what the Tutton’s – or future owners – might do with the property.

The Tutton’s left the meeting at 7:54 p.m.

Sketch/Site Plan Review: Consideration of SEQR and Sketch/Site Plan for the conversion of the former Ithaca Antiques Mall to a self-storage facility, which is an allowed use with site plan approval in the IL-Light Industrial District. The property is located at 1607 Trumansburg Rd, Tax Parcel Number 33.-1-8.12. James Curran, owner; Michael Moore, agent.

Mr. Moore offered a brief description of his project. Ms. Kiley asked about changes to the building exterior, to which Mr. Moore said new lighting and siding would be installed as well as a reconfigured parking layout and additional landscaping.

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

WHEREAS:

1. This is consideration of Site Plan Approval for the conversion of the former Ithaca Antiques Mall to a self-storage facility, which is an allowed use with site plan approval in the IL-Light Industrial District. The property is located at 1607 Trumansburg Rd, Tax Parcel Number 33.-1-8.12. James Curran, owner; Michael Moore, agent; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting in an uncoordinated environmental review with respect to Site Plan Approval; and

3. The Planning Board, on February 6, 2018, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, Parts 2 and 3, 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. Blake AYE
- Mr. LeWalter AYE
- Ms. Schneider AYE
- Mr. Wertis AYE

Result: resolution approved

Mr. Blake MADE the MOTION to approve the resolution for site plan, and Ms. Schneider SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval for the conversion of the former Ithaca Antiques Mall to a self-storage facility, which is an allowed use with site plan approval in the IL-Light Industrial District. The property is located at 1607 Trumansburg Rd, Tax Parcel Number 33.-1-8.12. James Curran, owner; Michael Moore, agent; and

2. This is an Unlisted Action for which the Town of Ulysses Planning Board, on February 6, 2018, 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

3. The Planning Board, at a public meeting on February 6, 2018, has reviewed and accepted as adequate the proposed application materials including a project narrative, proposed interior arrangement, proposed entry redesign, and lighting, parking, landscaping site plan; and
4. The Tompkins County Planning Department reviewed the proposed project, pursuant to NYS General Municipal Law §239-l, -m, and –n, and in a letter dated January 29, 2018 determined that the project will have no negative intercommunity or county-wide impacts;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives the public hearing; and

2. That the Planning Board of the Town of Ulysses hereby grants Site Plan Approval for the proposed conversion of the former Ithaca Antiques Mall to self-storage units as shown on application materials.

The vote was as follows:

Mr. Blake  AYE
Mr. LeWalter  AYE
Ms. Schneider  AYE
Mr. Wertis  AYE

Result: resolution approved

The Moore’s left the meeting at 8:04 p.m.

Draft Zoning
At this time, Mr. Wertis proposed a resolution he crafted that urges the Town Zoning Update Steering Committee and its consultants to discuss and evaluate three documents: “Subdivision Analysis” by Randall & West; “Baseline Data and Preliminary Analysis for Housing Increase, Town Of Ulysses, 2001-2017” by Krys Cail; and Inlet Valley Ithaca Plan.

Mr. Wertis MADE the MOTION to approve a resolution, and Mr. Blake SECONDED the MOTION.

Much of the original resolution was edited out because some Board members believed the language was too contentious and not representative of the entire Planning Board. Ms. Schneider felt the resolution was redundant, noting the Planning Board just recently passed a similar resolution, calling for ZUSC to review accurate housing data. She also questioned the use of the word “validate” in reference to Ms. Cail’s study; she does not know Ms. Cail’s credentials. Mr. Wertis said the Planning Board did pass a resolution for ZUSC, but he was not sure it reached them. Further, Ms. Cail and the Inlet Valley Ithaca Plan are two new pieces of information.

Whereas the accuracy of data presented in the Town of Ulysses Agriculture and Farmland Protection Plan of 2013, page 16, as to the conversion of viable farmland to residential use has consistently been questioned by the agricultural community; first by the committee appointed to develop the plan and secondly by the present Agriculture Advisory Committee, and
Whereas three new documents have been presented: “Subdivision Analysis” by Randall & West, 2017 and “Baseline Data and Preliminary Analysis for Housing Increase, Town Of Ulysses, 2001-2017” by Krys Cail, 2018, “Inlet Valley Ithaca Plan: Economic Development Feasibility Study and Strategic Plan,” prepared by ConsultEcon, Inc. DRAFT 1/24/18,

Therefore the Town of Ulysses Planning Board recommends that the ZUSC discuss and evaluate the three new documents.

The vote was as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Blake</td>
<td>NAY</td>
</tr>
<tr>
<td>Mr. LeWalter</td>
<td>AYE</td>
</tr>
<tr>
<td>Ms. Schneider</td>
<td>NAY</td>
</tr>
<tr>
<td>Mr. Wertis</td>
<td>AYE</td>
</tr>
</tbody>
</table>

**Result:** resolution fails

In the ensuing conversation, Ms. Schneider felt the Board could have discussed Mr. Wertis’s concerns first, and then addressed a resolution. But offering a resolution without that initial discussion forces the Board to address the topic formally, and that takes up time. Mr. Wertis noted the Town Board has asked the Planning Board specifically to pass along resolutions as necessary. He wants the Planning Board to communicate with ZUSC.

At this time, the Board discussed its representation on the newly expanded ZUSC. Mr. Wertis offered that the Board Chair, Mr. Blake, serve as the liaison, or Mr. Wertis himself. Mr. Blake said he preferred Ms. Schneider serve as ZUSC liaison, given her expertise and understanding of Ulysses and Tompkins County. Mr. Wertis made the case for himself, citing his background in stormwater and land-use planning during his time working for Elmira. After a thorough discussion, Ms. Schneider was nominated Planning Board rep on ZUSC.

Mr. Blake MADE the MOTION to appoint Ms. Schneider as lead Planning Board representative on the newly expanded ZUSC, with Mr. Wertis named as the alternate. Mr. LeWalter SECONDED the MOTION. The motion was unanimously carried.

Brief time was dedicated toward the matter of resolutions addressing other Town entities. Mr. Wertis feels any approved resolution should be sent directly to the targeted board or committee, regardless of whether or not the draft minutes are available.

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

If the Planning Board passes a resolution(s) directed outside this body, that the Planning Board understands what it is voting on and that the approved resolution be sent directly to the targeted body without delay. Further, a copy of the resolution will be passed to the chair of the appropriate body.
The motion carried unanimously.

Mr. Blake MADE the MOTION to adjourn, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

Meeting adjourned at 8:58 p.m.