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

Approved: March 20, 2018

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

Excused: Jonathan Ferrari

Mr. LeWalter was named a voting member in Mr. Ferrari’s absence.

Public in Attendance: Charles and Mary Tutton, Carl Mazzocone, Jason Demarest, Linda Liddle, and Ann Filley.

Call to Order: 7 p.m.

Agenda Review; Minutes Review (02/20/18)

Mr. Wertis offered an addition to the agenda regarding Planning Board minutes. The February 20, 2018 minutes were not yet available.

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

Public Hearing on Major Subdivision: Consideration of 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.

As Mr. Blake stated, the Tutton subdivision was discussed at the Planning Board’s February 6, 2018 meeting, a negative determination was made in regard to SEQR at the Board’s February 20, 2018 meeting, and a public notice of the evening’s hearing was published in the Ithaca Journal on February 26, 2018.

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

No one offered any comments during the hearing.
Mr. Wertis MADE the MOTION to close the public hearing, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried.

Addressing the Tuttons, Ms. Schneider offered that there may need to be other protections to prevent forested land from being logged on the largest subdivided Tutton parcel. Currently, an existing stream limits access, but, as she stated, that is not a guaranteed protection.

**Resolution for Subdivision Approval**

Mr. Wertis MADE the MOTION to approve the resolution for subdivision, and Ms. Schneider SECONDED the MOTION as follows:

WHEREAS:

1. The Town of Ulysses adopted zoning regulations in Local Law No. 3 of 2013 include Article XXI – Land Subdivision Regulations, Section 21.3 establishing criteria for Subdivision Procedures; and

2. The proposed Subdivision is located east of Dubois Rd, north and south of Glenwood Heights Rd, Tax Parcel Number 32.-1-12.2, R1 and R2 Districts; Charles and Mary Tutton, owners; and

3. 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 February 20, 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


6. Zoning Law Sections 212-142E(1)(a) and 212-142W allow the Planning Board to waive subdivision requirements, where it finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of lack of connecting facility adjacent or in proximity to the proposed subdivision; and
7. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review;

THEREFORE IT IS HEREBY RESOLVED,

1. 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


The vote was as follows:

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

Result: Resolution passes

The Tuttons left the meeting at 7:05 p.m.

Modification to Site Plan: On October 3, 2017, the Planning Board approved the Site Plan for Inn at Taughannock site development for a level lawn with gardens and patios. The project included the construction of retaining walls, stone fence walls, grading/filling, reconfiguration of the patio/stairway on the south side of the Inn, landscaping and a stormwater system. The project components remain the same but are slightly shifted and modified, and a dumpster enclosure north of the Inn is proposed.

On October 18, 2016, the Planning Board approved an addition to the north side of the Inn. A modification proposes the addition of a porch and third floor to ground level egress stairs to the previously approved walk-in cooler removal, construction of a one-story storage area with full basement and roof deck. The total gross area of the project is 1,767 +/- square feet. The property is located at 2030 Gorge Rd, Tax Parcel Number 14.-1-11, B1-Business District. TFI LANDCO, LLC, owner; Carl Mazzocone, contact for owner; Jason Demarest, architect.
Mr. Demarest walked through the previously approved site plan before moving on to the final iteration, which now has several changes from the original plan, including, among others, retaining half of the existing stone wall, pushing further down the property slope toward route 89, a new structure to the north of the property, and a curb cut onto Gorge Road.

Ms. Schneider said the current plan is much different from what the Planning Board has seen before, and some members saw this plan only yesterday. She said she needed more time to think the plan through since it is not clear what the applicant has or has not changed from the previously approved site plan. Addressing the slope and the retaining wall, Ms. Schneider asked if the applicant was planning to put in fill to change the grade. Mr. Demarest said yes; Mr. Mazzocone would like to have a vineyard element between two retaining walls. Do you have a stormwater plan to take into account the new structure on the property’s northside? Ms. Schneider asked. Mr. Demarest said the new kitchen and dining area would have a pipe to convey storm water to the new system. He also said the new kitchen would tie into the existing footer drains. He noted the gravel drive and natural gravel characteristics of the terrain, suggesting run-off would naturally infiltrate off the property. But these are two areas of new impervious surface, Ms. Schneider said. In response, he referenced the new utility structure’s small footprint and said to disregard the proposed driveway area and utility building if it is complicating the current proposal. Addressing the patio area, he said existing footers can be used to tie in the dining room addition to the new stormwater system, and the lawn area can handle a downspout discharging surface. Mr. Mazzocone said the driveway is the only element he is not sure about yet. These additional retaining walls are here because we want to have beautiful landscaping, he said.

Explaining how this latest iteration came before the Planning Board, Mr. Blake said he met with Ms. Kiley to review the changes. The applicant’s current proposal could have been done in-house, without a Planning Board meeting, but given the public interest and discourse from previous meetings, they opted to review this latest proposal at a formal meeting. Ms. Kiley said all the previously approved October 2016 documents still stand, but she wanted to have the newly updated site plan review as part of the record.

Mr. LeWalter noted several characteristics that were much different from the previously approved site plan, namely the driveway area and an additional entryway/exit onto Gorge Road from the main patio area (referred to subsequently as a “plating area”). He expressed his appreciation for what the applicant is trying to do, but this latest plan is throwing a wrench into the process. We did not approve a roadway entryway off the patio, he said. Mr. Mazzocone said the entryway is intended for food delivery for major events, since food will be made in the kitchen and will have to be transported by box truck to the patio area. Mr. Demarest said the substantive changes come down to two new, curvy retaining walls. Ms. Schneider noted the added plating area, which was not on the previous site plan, and feels the Board is being pressured to give its stamp of approval on a plan it has not fully reviewed.

Every delay costs us money, Mr. Mazzocone said. Weddings at the Inn are planned for August, and the Inn intends to open April 1 for Easter. We worked hard to shrink the design by 25
percent. Mr. Demarest requested the Planning Board address the grass path, and the applicants will return to address other areas of concern, like the use of stone dust surface.

**Resolution for site plan approval**

Mr. Wertis MADE the MOTION to approve the site plan for revised development, and Mr. LeWalter SECONDED the MOTION as follows:

WHEREAS:
1. This action consideration of a modification to the Site Plan approval for the Inn at Taughannock site development for a level lawn with gardens and patios. The project, approved on October 3, 2017, includes the construction of retaining walls, stone fence walls, grading/filling, reconfiguration of the patio/stairway on the south side of the Inn, landscaping and a stormwater system. The project components remain the same but are slightly shifted and modified, and a dumpster enclosure north of the Inn is proposed. The property is located at 2030 Gorge Rd, Tax Parcel Number 14.-1-11, B1-Business District. TFI LANDCO, LLC, owner; Carl Mazzocone, contact for owner; Jason Demarest, architect; and

2. The previously approved project is an Unlisted Action for which the Planning Board made a negative determination of environmental significance on October 3, 2017, and no further SEQR review is required; and

3. The Planning Board, at a public meeting held on March 6, 2018, has reviewed and accepted as adequate the Site Development sheets titled “Site Plan” (A1.00) by Jason K Demarest Architecture, dated 02/27/18, “Dumpster Enclosure” (A1.01) by Jason K Demarest Architecture, dated 02/28/18, in addition to materials referenced in the October 3, 2017 approval, and other application materials submitted by the applicant;

NOW THEREFORE BE IT RESOLVED:
1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, 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 Town of Ulysses Planning Board approves site plan as shown on the following: adequate the Site Development sheets titled “Site Plan” (A1.00) by Jason K Demarest Architecture, dated 02/27/18, “Dumpster Enclosure” (A1.01) by Jason K Demarest Architecture, dated 02/28/18, in addition to materials and conditions referenced in the October 3, 2017 approval.

The vote was as follows:

- Mr. Blake  AYE
- Mr. LeWalter  AYE
- Ms. Schneider  AYE
- Mr. Wertis  AYE
Result: Resolution passes

Resolution for site plan approval

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

Resolution for site plan approval

WHEREAS:

1. This action is consideration of a modification to the Site Plan approval for an addition to the north side of the Inn at Taughannock, located at 2030 Gorge Rd, Town of Ulysses Tax Parcel Number 14.-4-11, B1-Business District. The proposed project adds a porch and third floor to ground level egress stairs to the previously approved walk-in cooler removal, construction of a one-story storage area with full basement and roof deck. The total gross area of the project is 1,767 +/- square feet. TFI LandCo, LLC, Owner; Carl Mazzocone, Contact; Jason Demarest, Agent for Owner; and

2. The proposed project is a Type II action and not subject to review under SEQR; and

3. The Planning Board previously approved the addition on October 18, 2016 after holding a public hearing on the project; and

4. The Planning Board, at a public meeting held on March 6, 2018, has reviewed and accepted as adequate the Inn Renovations sheets titled “Cover Sheet and General Notes” (A0.01), “Kitchen Addition Floorplans” (A1.11), and “Kitchen Addition Elevations & Sections (A2.10) by Jason K Demarest Architecture dated 02/21/18, in addition to materials referenced in the October 18, 2016 approval, and other application materials submitted by the applicant;

NOW THEREFORE BE IT RESOLVED:

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, 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 Town of Ulysses Planning Board approves the revised site plan as shown on the following: Inn Renovations sheets titled “Cover Sheet and General Notes” (A0.01), “Kitchen Addition Floorplans” (A1.11), and “Kitchen Addition Elevations & Sections (A2.10) by Jason K Demarest Architecture dated 02/21/18, in addition to materials referenced in the October 18, 2016 approval.

The vote was as follows:
Mr. Blake  AYE  
Mr. LeWalter  AYE  
Ms. Schneider  AYE  
Mr. Wertis  AYE  

**Result:** Resolution passes

Ms. Schneider addressed the Board and the applicant, saying it was not right how this proposal arrived before the full Planning Board. It arrived on Thursday; the office was closed on Friday due to weather, which gave the Board just one day to review it. It was insufficient time, and the Board felt pressured to make a decision. If this is done again, she said she will vote no. The applicant has changed or revised plans numerous times, whereas proposals are usually clearly defined. To say the Planning Board needs to approve this tonight is unfair and does not show respect to the Board, which, she added, is made up of volunteers. Mr. Blake added both he and Ms. Kiley spent time considering whether the current proposal warranted a full Planning Board review.

Mr. Demarest circulated information pertaining to Inn signs.

He and Mr. Mazzocone left the meeting at 8:09 p.m.

**Draft zoning discussion**

A brief discussion ensued on the happenings from the last meeting of the Zoning Updates Steering Committee. Mr. Wertis felt the Planning Board’s recommendation to gather sufficient data to help inform the zoning process did not gain traction among ZUSC.

**Planning Board minutes discussion**

Mr. Wertis suggested that, considering the arrival of a new member, the Planning Board should review Robert’s Rules concerning the approval of minutes. At the last ZUSC meeting, which Mr. Wertis attended, certain changes were offered to the minutes by some ZUSC members. Specifically, one member asked that a line be removed from the minutes. All the suggested changes were then lumped together and voted on instead of addressing each change. Mr. Wertis did not feel this was right. He circulated a document and asked the Planning Board to review the overall rules for approving minutes and perhaps be prepared at the next meeting to make a motion to incorporate additional language to Board policy.

**Town Board Liaison Report**

Mr. Goldman addressed the Moore property and a recent Town Board public hearing in which several neighbors spoke in opposition to the proposed change in the Development District. He felt it might have been better if the Planning Board had heard the public hearing. However, as some Planning Board members expressed, there was no indication of public controversy regarding the Moore property and seemingly no pressing need to hold a public hearing. Summarizing the sentiment of concerned neighbors, Mr. Goldman said the public felt the Town
was rewarding Moore’s 25 years of non-compliance by rewriting the zoning. Originally, they were allowed to store five boats. Now, it is more like 100. That is a drastic violation of current zoning, he said.

On March 20, the Town Board and Planning Board will hold a joint meeting to review the issue.

Mr. Goldman said the Town Board seeks to hand the Moore application back to the Planning Board for further review. He acknowledged the larger issue of precedence for dealing with zoning violations. For instance, if the Town grants the Moores new zoning, how will another resident respond if he/she receives a zoning violation for a broken window? The public will see it as the Town rewriting zoning around the non-compliance.

Ms. Kiley said there is no mechanism in place to alert the Town to agenda items, and emailing neighbors and alerting them to specific agenda items is not realistic.

Further specifics of the Moore property were discussed.

Mr. Wertis MADE the MOTION to adjourn the meeting, and Ms. Schneider SECONDED the MOTION.

Meeting adjourned at 8:29 p.m.