TOWN OF ULYSSES
PLANNING BOARD
MEETING MINUTES
Tuesday, April 3, 2018

Approved: April 17, 2018

Present: Chair David Blake, and board members Jonathan Ferrari, Katelin Olson, Rebecca Schneider, and John Wertis; Town Planner Darby Kiley; Town Board Liaison Rich Goldman.

Public in Attendance: Kim and Bryon Moore, Bonita Griffin, Michael Boggs, Anna and Max Paskin, Karen Hollands, Peter Glanville, Krys Cail, Carl Mazzocone, Jason Demarest, Linda Liddle, and Tom Myers.

Call to Order: 7:01 p.m.

Agenda Review; Minutes Review (03/20/18)

The meeting minutes from March 20, 2018 were not yet available.

Ms. Olson suggested sending a Thank You card to Ben LeWalter for his service on the Planning Board.

Sketch/Site Plan Approval: Consideration of Sketch/Site Plan Approval for a Single-Family Residence on a flag lot located on Krums Corners Rd, Tax Parcel Number 26.-2-10.11, A1-Agricultural District; Griffin Family Wealth Trust, owner; Robert and Bonita Griffin, agents.

Mr. Wertis MADE the MOTION to open the sketch plan, and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Ms. Griffin said she intends to clear out trees, dig out a basement and build a house on Krums Corners. Ms. Kiley said there is an impermanent stream and no wetlands in the vicinity. The Health Department has sited the septic system beyond the 100 feet buffer from the stream.

Mr. Wertis MADE the MOTION to close the sketch plan, and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Ms. Olson MADE the MOTION to open the site plan, and Mr. Blake SECONDED the MOTION. The motion carried unanimously.

Board members briefly discussed whether there was a need for a public hearing. Ms. Griffin said the Gates know about the proposal, as does another neighbor. Ms. Kiley said she spoke with the neighbors to the west of the property. Ms. Olson said greater transparency benefits everyone, and she is leery of approving a proposal without being certain people know about it.
Mr. Wertis MADE the MOTION to forego a public hearing, and Mr. Blake SECONDED the MOTION. The motion carried unanimously.

**Resolution for Site Plan Approval**

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

WHEREAS:

1. This is consideration of Site Plan Approval for a Single-Family Residence on a flag lot located at 4221 Krums Corners Rd, Tax Parcel Number 26.-2-10.11, A1-Agricultural District; Griffin Family Wealth Trust, owner; Robert and Bonita Griffin, agents; and

2. On April 3, 2018, the Planning Board has reviewed and accepted as adequate, application materials including the application, narrative, survey map dated 12/20/17, and other application materials; and

3. The construction of a Single-Family Residence is a Type II action which does not require the preparation of a determination of significance;

THEREFORE IT IS HEREBY RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval, including 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 Site Plan Approval for the proposed Single-Family Residence on a flag lot, as shown on the application materials.

The vote was as follows:

- Mr. Blake: AYE
- Mr. Ferrari: AYE
- Ms. Olson: AYE
- Ms. Schneider: AYE
- Mr. Wertis: AYE

**Result:** Site plan approved

**Sketch/Site Plan Approval:** Consideration of Sketch/Site Plan Approval for signs at the Inn at Taughannock. On August 16 and 22, 2017, the Board of Zoning Appeals granted a number of areas variances for signs, which require site plan approval by the Planning Board. Signs for review approval include the following:
Sign #1, a business directional sign, would be located on the northern boundary with Taughannock Falls State Park and proposed to be 14 feet 4 inches tall with a surface area of 26 square feet.

Sign #3 is the existing sign at the corner of Taughannock Blvd and Gorge Rd. The proposal is to add a temporary vinyl sign skin to cover the existing sign.

Signs #4, 6, and 10 are all proposed to be the same size - 7 ft 5 inches tall with a surface area of 19.6 square feet.

Sign #4, the second business directional sign on the north-of-Gorge-Rd parcel, would be located at the western Inn entrance on Gorge Rd.

Sign #6 and Sign #10 would both be located on the eastern parcel that is south of Gorge Rd. Sign #6 would be at the entrance at Gorge Rd and Sign #10 would be along Taughannock Blvd. Sign #9 would be located at the entrance to the western parcel that is south of Gorge Rd. The proposed height is 5 ft 5 inches with a surface area of 5.7 square feet.

The property is located at 2030 Gorge Rd, Tax Parcel Numbers 14.-1-11, 14.-3-18.1, and 14.-3-18.2, B1-Business District. TFI LANDCO, LLC, owner; Carl Mazzocone, contact for owner; Jason Demarest, architect.

Mr. Wertis MADE the MOTION to open the sketch plan, and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Mr. Demarest and Mr. Mazzocone did a comprehensive review of each sign proposal and answered several questions from Board members concerning design, lighting, and placement.

Ms. Olson MADE the MOTION to open the site plan, and Mr. Blake SECONDED the MOTION. The motion carried unanimously.

Lighting was further discussed, and the Planning Board reached a consensus to include a condition – “Subject to the condition that all lighting directs light downward, consistent with the zoning law”.

**Resolution for site plan approval**

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

WHEREAS:

1. This action consideration of Site Plan approval for signs at the Inn at Taughannock. The property is located at 2030 Gorge Rd, Tax Parcel Numbers 14.-1-11, 14.-3-18.1, and 14.-3-18.2, B1-Business District. TFI LANDCO, LLC, owner; Carl Mazzocone, contact for owner; Jason Demarest, architect; and
2. The Planning Board, at a public meeting held on April 3, 2018, has reviewed and accepted as adequate the Site Development sheets titled “Site Signage” (SS1.00) by Jason K Demarest Architecture, dated 03/28/18 with sheets titled “Sign 1,” “Sign 3,” “Sign 4, 6 & 10,” and “Sign 9,” 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: Site Development sheets titled “Site Signage” (SS1.00) by Jason K Demarest Architecture, dated 03/28/18 with sheets titled “Sign 1,” “Sign 3,” “Sign 4, 6 & 10,” and “Sign 9”, subject to condition that all lighting directs light downward consistent with the zoning law.

The vote was as follows:

Mr. Blake   AYE
Mr. Ferrari AYE
Ms. Olson   AYE
Ms. Schneider AYE
Mr. Wertis  AYE

Result: Site plan approved

The applicants left the meeting at 7:40 p.m.

Discussion on Development District 8 – Moore’s Marine; referral from Town Board

The discussion began with Mr. Myers referring to an email he supposedly sent to the Planning Board for discussion, though some Board members did not receive it. Ms. Cail then circulated a document to Planning Board members. Ms. Kiley reminded everyone that emails and documents that do not come through her or the Town Clerk do not make it into the official record.

Ms. Schneider reviewed some of the major concerns brought by neighbors of the Moore’s business: visual impact of stored boats; the number of stored boats, and some concern regarding moved gravel at the site or a layer of a fill having been added. The Planning Board has yet to hear about this latter concern. Ms. Kiley noted Moore’s did not disturb more than an acre of land, thus remaining below the trigger for a stormwater protection plan. Mr. Moore expressed confusion about the fill concern, saying “the top soil was scraped and bank run was put in so that you have a base. That is all that was done. There is no elevation change. It is not leveled; it is still sloped.” Paul Carpenter did the work, he said.
Visual impact was discussed. Ms. Cail said her property looks toward Moore’s, and boats are visible in the winter. During warm months, when trees are filled out, there is less visual impact, but there is more noise disturbance and a smell, she said. Mr. Wertis suggested possibly adding conifers at Moore’s to shield views. Ms. Olson noted that there is noise associated with the boat repairs inside the building but also with maintenance on boats outside of the building. Customers could be restricted from accessing the property during non-business hours, possibly with the addition of a gate. Restricting any on-site activity to business hours is a fair balance, she thought.

Discussion ensued regarding environmental concerns at the site and specific language within the Development District, in particular note M within “District Specifications” regarding engine and boat maintenance.

Mr. Moore said these concerns have already been discussed. Typically, the loudest noise outside of the building is if a customer uses a buffer to clean their boat. Ms. Moore reiterated no scraping or painting is done on site; customers do not fix their boats on site. They are solely storing their boats. She is concerned about the circular nature of the Board’s deliberations.

Ms. Schneider said the environmental concerns are still relevant, even when no painting or scraping is currently done at the site. Anti-fouling paints were used during the timeframe when boats were stored at Moore’s, and it is likely those paints ended up in the soil.

Is it unreasonable to post a sign at the site that says what is and is not permissible? Mr. Wertis asked. Mr. Moore said they could post a sign to discourage renters from doing certain activities during off hours, though Ms. Moore added most customers cannot pick up their boats during open hours. It is similar to picking up your car after repairs – you tend to pick it up outside of open hours. Ms. Olson noted it is one thing to pick up a boat when it is parked up front when the business is closed, but another when customers access the back of the property during those off hours. Mr. Moore said there would be more noise if customers are picking up boats that are parked out front.

Do many customers pick up and drop off their boats in the same weekend? Mr. Wertis asked, to which Mr. Moore said no more than six customers do that during the boating season. After Ms. Cail commented on the noise in getting a boat onto a trailer, Mr. Moore said a trailer jack makes no noise. He is willing to demonstrate the process for the Board if necessary. Why do customers need to access the property outside of business hours? Mr. Ferrari asked. They generally do not, Ms. Moore said. Most customers are picking up their boats now, in the spring, and the Moores will not see those customers again until September. Ms. Hollands made reference to a person last summer who had spent the night on a house boat parked at the property, but characterized the event as an anomaly. Based off previous comments by neighbors, Ms. Moore expressed concern about children playing around in the boat yard, if that was indeed happening. She recommends having a six-foot fence installed.

Referring to boat pick-ups during off hours, Mr. Blake said he felt part of the issue is educating customers on what is and is not allowed. He suggested customers would make it work if they were told up front that they can only pick up boats between 8 a.m. and 8 p.m. Responding to
questions regarding the use of the business’s south side as an exit/access point, Mr. Moore said it can really only be used to haul up small boats. Addressing noise, Mr. Moore said that out of 100 boats, they shrink wrap 90 of them inside; five to seven are done outside because the boats are too big. The process takes about 10 to 15 minutes and is done with a torch; he would happy to demonstrate the process. The loudest activity on the premises is the running of engines, on outboards especially. I think we have been reasonable in limiting noise impact, he said. Limiting pick-up hours between 8 a.m. to 8 p.m. means longer days for him, since he is usually done at 5 or 5:30 p.m. most weekdays and at 3 p.m. on Saturdays. However, future owners could choose to service boats clear up to 8 p.m. Ms. Hollands called Bryon and Kim good neighbors and has had no trouble communicating with them on any issues. The larger concern is an entire rewrite of the zoning, for a property that could change hands and bring different owners who conduct business differently than the Moores. There have to be protections for neighbors when the business is no longer Bryon’s and Kim’s, she said.

Mr. Wertis asked if Development Districts can have time limits on them – a “sunset” – or be reviewed in an event like a change in ownership. Ms. Kiley said she would check with the Town Attorney. Mr. Ferrari suggested perhaps the Development District could end when the current business owners retire, but as Ms. Moore noted, then they would be stuck with a piece of property they could never sell. Ms. Schneider said she would have concerns if the property were put up for sale as a home or farm use, considering the likelihood of soil contamination at the site.

We need to have equity in planning, Ms. Olson said, and think about what is right for the neighborhood. At a larger level, the process needs to be about what is appropriate from a planning perspective for this business. If we pass an updated Development District for Moore’s today, and the business is sold tomorrow, is this the right business for this neighborhood? she asked. Ms. Cail agreed, saying that up to this point, there has been no effort to talk to neighbors to find out what we would like. She would prefer a limit on the number of boats stored outside on the property and a limit on hours of operation, but allow it to be utilized as an auto repair shop. Options other than just boats could be much more useful for the neighborhood, she said. Ms. Cail added she does not understand why this discussion is not part of the larger zoning process currently underway with the Town’s Zoning Updates Steering Committee. An auto repair shop would be much worse in terms of environmental and noise impacts, Mr. Moore said.

Ms. Olson returned the conversation to specific language in the proposal, in particular environmental concerns, whether limiting hours of operation would lessen noise or visual impacts, and whether neighbors would be comfortable in limiting where boats could be stored rather than setting a cap on how many. Ms. Kiley noted the Town Board thought limiting boat storage to specific areas was a better way to limit impacts.

Ms. Moore requested from Ms. Kiley that language in note D of the proposal be changed to refer not to particular lot dimensions but the map itself, since the noted dimensions are not accurate.

Mr. Blake advised Board members to make a list of their individual concerns within the proposal and forward that list along to Ms. Kiley.
Mr. Wertis MADE the MOTION to advise Board members to forward concerns along to Ms. Kiley, to postpone any decision on the proposal and continue deliberations at its next meeting, and to make available to the public a revised draft of the Development District document. Mr. Blake SECONDED the MOTION. The motion carried unanimously.

**Minutes approval process**

Mr. Wertis explained his concern from a recent Zoning Updates Steering Committee meeting in which changes were offered to minutes, and then those changes were addressed collectively with a single vote. He would like to see each suggested change to the minutes be addressed individually through a Board vote.

Mr. Wertis MADE the MOTION to accept the proposed language be added to the Board’s Rules and Procedures, and Mr. Blake SECONDED the MOTION. The vote carried by a vote of 3-2, with Mr. Wertis, Mr. Ferrari and Ms. Schneider voting in favor. Ms. Olson said she voted no because she finds the proposed language to be confusing.

**Zoning discussion**

Ms. Schneider provided a review of the latest updates from ZUSC. The core of ZUSC’s latest proposal is to establish an 80/20 conservation-development method for parcels of 10 or more acres. Under the proposal, at the time of the first subdivision on any property of 10 or more areas, 80 percent of the total acreage would be prohibited from any housing development while 20 percent could be developed however the property owner wanted. Additional provisions that ZUSC agreed on were 2-acre minimum lot sizes, 400 feet of minimum road frontage, 30 feet side yard setbacks, and a change in the front yard setbacks from 75 feet to 50 feet. ZUSC also voted to limit one primary residence per lot (current zoning allows for two) and did away with the 25-year reset provision for subdivisions. If Planning Board members feel strongly about any of these changes, Ms. Schneider said she would bring it ZUSC.

Mr. Wertis, who attended ZUSC’s previous meeting, said no mention of voting was mentioned on the agenda; there would be a discussion, but no vote. He thought Steve Morreale’s presentation with GIS mapping and potential development scenarios to be interesting but alarmist in ways, since there are many lots in Town that cannot accommodate housing due to natural limitations; such limitations are not always illustrated on maps.

Ms. Schneider is currently leading a Cornell graduate class that is exploring the Town of Ulysses and zoning. One point the group has discovered thus far is the surrounding area does not have the density of prime soils like Ulysses.

She asked for Mr. Ferrari’s and Ms. Olson’s thoughts on ZUSC’s strategy. Mr. Ferrari wondered where the 80/20 concept came from. Is there any data or precedent to support it? Ms. Olson thought the 80/20 approach to be a cookie-cutter solution and suspected it as an attempt to limit sprawl. 20 percent encourages more houses, only spread further apart. The process should begin with a survey of residents and soils. She hears from a lot of people who are anxious, who do not
know what is happening regarding the zoning rewrite. The comment period was rolled out during the holidays, and on what exactly? She found the maps to be too difficult to understand.

The issue of sprawl and density is an issue all over the country, Mr. Ferrari said, and limiting sprawl and promoting density in centers and nodes is a responsible way to plan. The question is: is 20 percent of 10 acres shooting us in the foot and creating sprawl? How will these rules affect development in Town? We need to look at that before making decisions.

Is the current zoning adequate? That is a question that has not been addressed, Mr. Wertis said. It is inadequate, Mr. Ferrari said. The Town has to encourage density in urban centers.

Ms. Olson said she had been thinking more about what Mr. Ferrari had said previously regarding non-development bans in Oregon. In some ways, that would have been an appropriate approach to layer on existing zoning.

Ms. Schneider requested both Mr. Ferrari and Ms. Olson to send her an email synopsis of their thoughts on the ZUSC proposal and how they thought the Planning Board would address the issue.

**Town Board Liaison**

Responding to the Development District deliberations, Mr. Goldman thought it important to respect the principles of equity of neighbors and the Moores.

As for the Planning Board’s next meeting, Ms. Kiley said there is a flag lot proposal, but that could be moved to the May 1 meeting.

Ms. Olson MADE the MOTION to adjourn, and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Meeting adjourned at 9:30 p.m.