Approved: May 15, 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 Byron Moore, Gene Moore, Joe and Bobbi Farrell, Reba McCutcheon, Peter Glanville, Linda Liddle, Michael Boggs, Tom Myers, Marc Gittleson, Katherine R. Miller, and Carl Guy.

Call to Order: 7:01 pm

Agenda Review, Minutes Review

The minutes from April 17, 2018 were not yet available.

PUBLIC HEARING: Recommendations to the Ulysses Town Board regarding amendments to Development District Number 8 – Moore’s Outboard Sales and Service, Section 212-118 H of the Town of Ulysses Zoning Law. The property is located at 3052 Dubois Rd, Town of Ulysses, Tax Parcel Number is 32.-2-8.22.

The proposed amendments include but are not limited to the following: Renaming the development district; amending allowed uses to include used boat sales and boat storage; amending hours of operation to address noise emanating from the property; referencing a site plan that shows where customer parking is allowed, where boats are stored for servicing, long-term storage, and sale; amending fencing requirement to requiring a vegetated buffer; amending sign regulations and prohibiting illuminated signs; amending provisions for storage of used lubricants and oils; adding a vegetated buffer on the eastern boundary of the development district; and adding language regarding spills and soils testing.

The Town Board referred this matter to the Planning Board on June 13th, 2017, and the Planning Board reviewed the site plan and language at meetings on July 18, October 17, December 5, and December 19 of 2017 and provided recommended language to the Town Board. After a public hearing held by the Town board on February 27, 2018 the Town Board referred this matter back to the Planning Board and this Board continued to review at meetings held on March 20, April 3 and April 17 of this year. At the April 17 meeting the Planning Board scheduled a public hearing for tonight’s meeting, notice that the hearing was advertised in the Ithaca Journal on April 21, 2018.

Mr. Blake asked if the Moore’s had any additional information to present.
Mr. Wertis MADE the MOTION to open the public hearing, and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Mr. Blake instructed members of the public to “be civil, and don’t interrupt” when speaking on this subject.

Mr. Myers said that the Moore’s have shown themselves to be honorable business owners who are responsive to their neighbors’ concerns, but asked the Board to make their decision with the future in mind. He said that if any of the regulations made for this district are loose, they could be used by future owners in ways that hurt the neighborhood. Ms. McCutcheon and Mr. Glanville, owners of the property next to Moores’ Boatshop, both said they are 100% behind the compromise they have reached with the Moores. Ms. McCutcheon added that they know the Moores need the lot for their business to succeed and that she and Mr. Glanville want the Moores to succeed.

Ms. Olson MADE the MOTION to close the public hearing and Ms. Schneider SECONDED the MOTION. The motion carried unanimously.

Mr. Wertis opened the discussion by asking whether the changes the neighbors just described are in the documents they have in front of them. Ms. McCutcheon spoke saying that she and her husband, the Moores, and other neighbors involved are requesting the Town Board remove language stating no new buildings without going through the proper town process, i.e., notifying neighbors, meeting with the Planning Board, etc. She noted that the Town Board had not asked the Planning Board to review this topic.

Mr. Wertis MADE the MOTION to delete “no new buildings” from the language. Mr. Blake SECONDED the MOTION.

Ms. Schneider opened discussion by restating her opposition to adding back in language that the Town Board had removed. Ms. Olson agreed and suggested the Planning Board add comments to our recommendations saying this is Planning Board opinion, but not part of the resolution we are making to the Town Board.

Mr. Blake CALLED for a vote on Mr. Wertis’ motion to remove the language, and the motion failed four to one. The vote was as follows:

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<tr>
<th>Name</th>
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<tr>
<td>Mr. Blake</td>
<td>Nay</td>
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<tr>
<td>Mr. Ferrari</td>
<td>Nay</td>
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<tr>
<td>Ms. Olson</td>
<td>Nay</td>
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<tr>
<td>Ms. Schneider</td>
<td>Nay</td>
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<tr>
<td>Mr. Wertis</td>
<td>Aye</td>
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Mr. Wertis wanted to clarify his understanding that there has been some discussion with the neighbors about the possibility of another building and they (neighbors) have not expressed opposition. Both Ms. Olson and Mr. Ferrari said wanted more feedback from the public to feel comfortable moving forward. Mr. Blake recommended adding a comment to ask the Town Board if it is appropriate to make recommendations without specific no-new-buildings language.

Mr. Wertis MADE the MOTION that the Planning Board approve a recommendation for Town Board approval of the revised language, Mr. Ferrari SECONDED the MOTION as follows:

Whereas

1. Development District 8, boat sales and storage located at 3052 Dubois Rd, was created July 18, 1991 and has not been revised to meet the needs of the business; and

2. In response to complaints, the Town of Ulysses and property owners have been working together to update the development district language; and

3. Following the procedures in the Zoning Law §212-20, on June 13, 2017, the Town Board referred the re-zoning request to the Planning Board; and

4. The Planning Board reviewed the site plan and revised language at meetings held on July 18, 2017, October 17, 2017, December 5, 2017, and December 19, 2017, and provided recommended language to the Town Board; and

5. The Town Board held a public hearing February 27, 2018 and based on public comment referred the matter back to the Planning Board; and

6. The Planning Board continued to review the site plan and revised language at meetings held on March 20, April 3 and April 17 and May 1, 2018.

THEREFORE BE IT RESOLVED,

The Planning Board recommends Town Board approval of the proposed language changes and makes this recommendation by considering the criteria listed in zoning law §212-20 A (b) [1-5] where

1. The need for the use: Moore’s Marine has been in the community at this location for over 25 years and meets the boat servicing and storage needs for our lakeshore community;

2. As an existing use, the location is a convenient storage facility for local boaters;

3. Regarding compatibility with the neighborhood, the owners recognize that this is a residential area and keep boats stored behind the building; and will address impacts with a vegetative buffer;

4. The property owners will mitigate possible detrimental effects on the neighborhood by having no mechanical sound from the facility between 8 pm and 8 am, storing the majority of the boats east of the building and planting vegetative buffer;
5. To protect the environmental quality of the site, the property owners will use best management practices when working on boats, will maintain existing vegetated buffer along the stream on the southern boundary, and will maintain a vegetated buffer east/downhill of the site.

Be it also resolved that the Planning Board approves the site plan as shown on 9/6/2017 TG Miller P.C. Survey Map Showing Development District for “Moore’s Marine” Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York as revised to January 22, 2018 to show areas for boat sales and storage and servicing.

Resolution passed unanimously.

Consideration of Recommendation to the Board of Zoning Appeals (BZA)

Lady 515 LLC (Maynard and Meagan Fahs) is requesting area variances under Section 212-61 Lot Area and Yard Requirements of the Town of Ulysses Zoning Law for the purpose of constructing a single family residence. The proposed side yard setback on the southern boundary would be 20 feet and 50 feet is the required rear yard setback, and the proposed rear yard setback would be 30 feet and 50 feet is the required rear yard setback. Property is located in the Conservation District across from 1371 Taughannock Blvd., Town of Ulysses, Tax Parcel No. 18.-3-9. The project is subject to site plan review/approval by Planning Board pending BZA action on variances.

Carl Guy, representative for the Fahs, presented a map of the Fahs’ plan and gave details of the requested variances. He asked the Planning Board to act on a referral to the BZA at this meeting.

Per Mr. Guy: Primary purpose for the structure is to house visitors and store boats. It is impossible to erect on the same side of the road as the Fahs’ current residence because the driveway is too steep (15%) to move boats up and down. The building is sited where it is to minimize grading, cut down on soil disturbance and is on a “relatively” flat spot. Mr. Guy stated the Fahs already have County approval for a septic system, which puts the well behind and the leach field in front of the building.

Mr. Wertis asked how the Town ensures the residence is only used seasonally as stated in the proposal and Ms. Kiley said the Town cannot. She added that even though the Fahs may never rent out the property – which Mr. Guy emphasized – they and the Town cannot control what future owners do.

Ms. Olson clarified that the request is not to develop – the Fahs already have that right -- but for variances. Ms. Kiley confirmed and added that zoning language states that if a site plan review in front of the BZA needs a variance it goes before the Planning Board first to allow the Board to give comments to the BZA. She later added that the zoning language may need to be changed to clarify that, if the town is pushing no development, nothing it does can supersede state law.

Ms. Schneider stated the Fahs’ proposal would clear trees, contribute to erosion and lead to septic drainage in the creek – all of which are in the Town’s criteria for discouraging development. She stressed the Board’s responsibility to stop or at least question such development – especially in a conservation zone. Ms. Schneider added that the Fahs’ proposal is an excellent example of the development that the
Town is trying to stop – projects that negatively affect the MS4 (stormwater runoff) and the conservation zone. Mr. Wertis said he had concerns about how many trees would be cleared. Mr. Ferrari proposed the Board not approve the variance until we get a better plan that addresses the Board’s various concerns: more detailed map of the creeks that would be affected and one that shows the new location of the septic system, other options for a septic system, and details about how much clearing will happen.

Mr. Blake reminded members that they are discussing what to recommend to the BZA regarding the setbacks and Mr. Guy asked if the Board could at least act on that referral tonight.

Mr. Blake then MADE the MOTION to recommend to the BZA that the variance be granted, so the Board can discuss it, Ms. Schneider SECONDED the MOTION.

Mr. Ferrari questioned whether it is better to grant the variance and give the Fahs the freedom to create a design that is ecologically feasible or not grant and hope the project would become economically not feasible. Ms. Olson stated she leans toward favoring the variance to avoid a scenario where the Fahs go ahead and build what they want, creating more ecological damage in the process. Ms. Schneider said she opposes granting the variances in order to send the message that we want owners make an effort to come up with plans that minimize ecological destruction.

Mr. Guy noted that if the BZA denies the variances he will have to re-site the building which will likely lead to more soil removal, etc. Mr. Ferrari suggested the BZA not grant the variances and require the Fahs to come back with a design that shows the plan with the variances and without.

Mr. Blake called the vote on the motion he made to recommend the BZA grant variances, the votes were as follows:

Mr. Blake: Nay
Mr. Wertis: Nay
Ms. Schneider: Nay
Ms. Olson: Nay
Mr. Ferrari: Nay

Result: Resolution failed.

The Planning Board then developed the following statement as a referral to the BZA:

“Given the small size of the parcel, variances would be needed for the currently proposed building (50 ft by 60 ft). Given the location of the property in the Conservation District, in a Unique Natural Area, and steep slope overlay area, Planning Board has concerns with erosion, sedimentation, and impacts on the stream on the northern property line and other waterways. Without a detailed plan showing how the
project could be accomplished without the need for a variance, we would not recommend approving variances for this parcel.”

**Draft Zoning Discussion**

Discussion focused on if the proposal to create one big zone and then add overlay districts for other needs is the best way to get the zoning the Town wants. Further discussion focused on using setbacks and area sizes as zoning tools, how to encourage cluster development – especially when it comes to dealing with flag lots.

Ms. Schneider stressed the need for owners to get correct numbers when making proposals to the Planning and Town boards. Mr. Blake mentioned using bonuses to offset costs of new development. Ms. Olson noted that owners that can sell their property for $15-20,000 an acre would rather do so.

More discussion happened on needing new guidelines for CAFOs (Concentrated Animal Feeding Operations) because they have such an impact on farms, water, manure spreading, and tiling. Ms. Schneider said the issue needs more focus from the Zoning update steering committee. Mr. Ferrari requested more information on how to regulate by working with parties other than private property owners such as highway and transportation departments.

Ms. Schneider asked for a list of issues Board members want to bring to the ZUSC, they include:

1. Land subdivision regulations that include identifying conservation area, looking at historic and ecological records;
2. Using easements, working with the Finger Lakes Land Trust;
3. Buying property along the Emerald Necklace;
4. Protecting Taughannock Creek;
5. Creating a lake zone with forests.

Mr. Blake MADE the MOTION to adjourn, Ms. Schneider SECONDED the MOTION, and meeting adjourned at 9:26.

Respectfully submitted by Maria Barry on May 14, 2018.