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

Public in Attendance: Kate Millar from Renovus Energy; John Czamanske

Call to Order: 7:02

Agenda Review: Mr. Wertis requested discussion on his update from the Zoning Update Steering Committee (ZUSC)

Minutes review: Mr. Ferrari MADE the MOTION to approve the minutes from the April 17, 2018 meeting, and Mr. Blake SECONDED the MOTION so motion could be discussed. Mr. Wertis clarified wording about building on or subdividing a property and a few other typographical errors were corrected.

Mr. Blake called the vote on the MOTION to approve the minutes for the April 17, 2018 Planning Board meeting, which was APPROVED unanimously.

Mr. Blake MADE the MOTION to approve the minutes from the May 1, 2018 meeting, and Mr. Wertis SECONDED the MOTION so the motion could be discussed. Mr. Ferrari clarified language about vegetative buffers and noted some typographical errors.

Mr. Blake called the vote on the MOTION to approve the minutes from the May 1, 2018 Planning Board meeting as amended, which was APPROVED unanimously.

Privilege of the Floor: There were no items for discussion.

Major Subdivision: Consideration of SEQR and Major Subdivision approval for a property located at 1574 Trumansburg Road with frontage on Krums Corners Roads and Iradell Road Extension, Tax Parcel No. 33.-4.3.2, A1-Agricultural District. The proposal is to subdivide the 10 acres along Trumansburg Road, which includes a barn and leveled area, from the remaining land (34.27 acres). The parent parcel received subdivision approval for a 3-lot subdivision on November 19, 2013 and another 3-lot subdivision approved on September 2, 2014. Agent, Lansing Gates, for owner Gates Acres LLC.

Kate Millar, of Renovus Solar explained that the subdivision relates to the solar farm Renovus had received approval for in 2017. Renovus is purchasing the land and as buyer is responsible for seeking subdivision approval including its SEQR.

Ms. Kiley gave a short recap on the history and provided a map of the subdivision of the land. Mr. Wertis raised concerns that allowing for the subdivision could result in a situation in which
the Renovus plan has failed and the Town would then have a parcel of already subdivided land that could be used for purposes other than solar panels. Ms. Kiley replied that could happen but that any other development would be governed by the zoning.

Mr. Wertis asked whether the Ag Data Statement was to have been sent to neighbors abutting the subdivided land. Some intense discussion followed until Mr. Blake and Mr. Czamanske pointed out that the Ag Data Statement process language requires farms to be identified and sent the notice, not all abutting neighbors.

After answering a question concerning accommodations for pedestrian and bicycle traffic, Mr. Blake MADE the MOTION to make a negative determination and approve the SEQR, and Mr. Wertis SECONDED the MOTION. The motion passed unanimously.

**Resolution for SEQR Determination:**

WHEREAS:

1. The proposed Subdivision is located on 1574 Trumansburg Rd with frontage on Krums Corners Rd and Iradell Rd Extension, Tax Parcel Number 33.-4-3.2, A1-Agricultural District. The proposal is to subdivide 10 acres along Trumansburg Rd, the remaining 34.27 acres has road frontage on Krums Corners Rd and Iradell Rd Extension; Agent, Lansing Gates, for owner Gates Acres LLC; and

2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting in this uncoordinated environmental review with respect to Subdivision Approval; and

3. The Planning Board 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.

Through discussion the Board then determined that a public hearing was not required for the subdivision application.

Mr. Blake MADE the MOTION to approve the resolution for subdivision approval as prepared, which would waive the need for a public hearing, Ms. Olson SECONDED the MOTION. The motion passed unanimously.
Resolution for Subdivision Approval:

WHEREAS:

1. The Town of Ulysses adopted zoning regulations in Local Law No. 3 of 2013 include Article XXI – Land Subdivision Regulations, Section 212-140 – 142 establishing criteria for Subdivision Procedures; and

2. The 2013 Town of Ulysses Agriculture and Farmland Protection Plan recommends flexibility in designating building lots on the least productive farmland; and

3. The proposed Subdivision is located on 1574 Trumansburg Rd with frontage on Krums Corners Rd and Iradell Rd Extension, Tax Parcel Number 33.-4-3.2, A1-Agricultural District. The proposal is to subdivide the 10 acres along Trumansburg Rd which includes a barn and leveled area, and the remaining land (34.27 acres) has road frontage on Krums Corners Rd and Iradell Rd Extension, Agent, Lansing Gates, for owner Gates Acres LLC; and

4. This parcel was part of a larger parcel that received subdivision approval for a 3-lot subdivision on November 19, 2013, and another 3-lot subdivision approved on September 2, 2014; and

5. The proposed lots created meet the zoning requirements for the A1-Agricultural District; and

6. This is an Unlisted Action for which the Town of Ulysses Planning Board, on May 15, 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

7. The Planning Board, at a Public meeting on May 15, 2018, has reviewed and accepted as adequate the map entitled, “Survey Map No. 1574 Trumansburg Rd, Town of Ulysses, Tompkins County, New York,” dated 1/09/2017 and revised 4/18/2018, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and

8. Zoning Law Section 212-142 Q allows 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

9. 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. For the foregoing reasons, the Planning Board determines that certain requirements of the subdivision regulations are not required to protect the public health, safety and
general welfare, and the proposed subdivision review process is more similar to Minor than Major Subdivision Review; and

2. 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

3. That the Planning Board of the Town of Ulysses hereby approves the Subdivision, as shown on the map entitled, “Survey Map No. 1574 Trumansburg Rd, Town of Ulysses, Tompkins County, New York,” dated 1/09/2017 and revised 4/18/2018, by T.G. Miller P.C. Engineers and Surveyors.

Update on Zoning Update Steering Committee (ZUSC): Mr. Wertis expressed his concern with the ZUSC process, which he called a “charade.” He said that the current procedure doesn’t leave time for input from groups, such as the Planning Board, to comment on the topics coming before the Committee. He said we are “always behind,” which means the PB hasn’t been able to contribute to issues that have already been expanded on by the ZUSC.

He said Ms. Schneider attends ZUSC meetings and consistently puts forth the idea of focusing on specific aspects of our community and gathering data to be integrated into zoning changes. Ms. Schneider is always told “we’re not working on that right now; we’re working on proposals made a while back and are moving forward.”

Mr. Blake asked if Ms. Schneider was able to make a presentation regarding CAFOs? Mr. Wertis answered that Ms. Schneider raised several items – tiling, manure spreading – but it didn’t enter into the conversation. Mr. Wertis said ZUSC probably will discuss CAFOs but only because language regarding CAFOs was already being considered.

Mr. Wertis then said the issue he would like to get feedback on at this meeting was the 80/20 rule as it applies to 4- to 10-acre lots.

Mr. Ferrari offered feedback on the subdivision issue. He believes the current subdivision rules are not strict enough. Allowing for more and more subdivision of land into smaller and smaller pieces just leads to a whole bunch of small pieces of land that are of no use to anyone.

He added that encouraging people to live in clusters and preserving open space is a worldwide model of how to reduce carbon emissions and global climate change, noting that the smallest carbon footprint per capita is New York City. Mr. Ferrari cited how Oregon, in the 1970s, implemented laws that encouraged people to live in and around cities and towns and made strict subdivision laws – in some places any piece of land under 50 acres cannot be subdivided. He said the result is Oregon has vibrant, walkable communities and plenty of open pastoral space.
Mr. Wertis objected, saying under Mr. Ferrari’s plan, people would not be allowed to let relatives build on their own property; and using zoning to preserve open space goes beyond zoning’s purview.

Both Mr. Blake and Mr. Ferrari pointed out that space preservation is not the only basis for Mr. Ferrari’s model. Mr. Ferrari said the model he champions also considers use of resources, historic preservation, and other environmental concerns. “I think if someone wants their relatives to live near them an addition to a house is a great idea,” he added.

Ms. Olson said that under current zoning you could have an elder cottage but the new zoning would not allow a second residence. That is why, Ms. Olson said, she too would like to see a more comprehensive program that gives zoning and planning boards flexibility to help residents facing such issues. She also noted that the Oregon laws were passed on a state level, which is not the case in New York.

Mr. Wertis then asked Mr. Boggs, a Jacksonville resident who has attended a number of ZUSC meetings, if current zoning law gives incentives to develop in and around the town. No, replied Mr. Boggs, Jacksonville hasn’t been talked about for months. The next item on the ZUSC agenda is encouraging growth in the area.

Ms. Kiley clarified that currently the only method of encouraging growth is providing very small lot sizes.

Ms. Olson said that she had been able to contribute feedback on proposed zoning language by asking ZUSC to clarify the historic resources ZUSC cite in the proposed language.

Ms. Olson then said her biggest concern with subdivision is how well it works. Subdividing puts the remaining land in easements which, she stated, are permanent and do not allow for any land-use flexibility. There must be, Ms. Olson said, other ways to go about protecting that land that is governed at town level.

Mr. Wertis moved that the Planning Board relate to ZUSC that the 80/20 zoning as it applies to 4 to 10-acre lots is inappropriate.

Mr. Wertis MADE the MOTION that the 80/20 issue needs more discussion; Mr. Blake SECONDED the MOTION, and the MOTION passed unanimously.

Mr. Wertis said he wanted to register that Ulysses tends to rely on authority. “Clubbiness,” he noted stops people from questioning. More general discussion ensued about finding a better way to get Planning Board input to ZUSC.

Agenda Items for future meetings: Ms. Olson requested the Board go through some summary statements regarding ZUSC; she hoped to share the Planning Board’s feedback with ZUSC.

Mr. Wertis noted that they have already been ignored by ZUSC and that any feedback we – the Planning Board – provides should also be shared with the Town Board.
Mr. Ferrari gave an update from attending workshops on energy regulations. He said the idea that he came away with was to question can zoning address the energy goals of a community, i.e., encouraging developments with LEED certification, solar panels, and so on.

Mr. Wertis mentioned two last items: visiting different apartment buildings that have incorporated some green energy features, and possibly awarding a plaque to the owner of the small business MCCI – who beautifully retrofitted a farmhouse to fit his business.

Ms. Olson’s closing comment was that “the greenest building is one already standing.”

Outgoing Environmental Planner Ms. Kiley then introduced John Czamanske, who has been hired by the Town part-time until a new Environmental Planner is hired. CJ Randall will also be helping.

Ms. Olson MADE the MOTION to adjourn, Mr. Blake SECONDED the MOTION, meeting was adjourned.