



TOWN OF ULYSSES

DEPARTMENT OF PLANNING AND ZONING

STAFF MEMO

TO: Planning Board
FROM: Niels Tygesen, Planner
DATE: February 22, 2023
MEETING DATE: March 7, 2023
SUBJECT: Angelhearts Market Sketch Plan Conference

INTRODUCTION

The applicant, Jan Brath, applied for a sketch plan review for the subject site located at 1404 Taughannock Blvd, parcel 18.-4-12.2, on behalf of the owners Andrew and Kimberly Engelhart. The applicant proposes to convert the previous West End Gas and Grocery into a new restaurant use. The subject site is zoned CZ: Conservation Zone, which permits restaurants subject to a special permit and site plan review per Ulysses Town Code ([UTC 212-52.D](#)). The proposal is considered a Type II action under SEQR per Title 6 of the Codes, Rules, and Regulations of New York ([CRR-NY 617.5.c.9](#)).

PROCESS

Per [UTC 212-18.C.1](#), uses that require a special permit also require site plan review and approval. The initial step in the special permit-site plan review process is the sketch plan conference where the Board can review the basic site design concept, provide the applicant with constructive suggestions, and determine the required information in the detailed site plan. During this review, the Board should review the proposal in respect to state and local laws and regulations, and provide comments and general recommendations as to any adjustment needed to satisfy the objectives of the regulations, and to advise the applicant on required items to be submitted for site plan review.

REQUEST TO THE PLANNING BOARD

Review the information in this memo and the proposed sketch plan; assess the SEQR Full Environmental Assessment Form; review the special permit regulations listed in [UTC 212-18](#) and in particular Subsection E, review the site plan review regulations listed in [UTC 212-19](#) and in particular Subsections D, E, and F; review [CLNY 62.16.274-A](#) and [CLNY 62.16.274-B](#) as applicable; review the regulations pertaining the CZ zone listed in [UTC 212 Article IX](#); and create a checklist of additional items the Board will require if any from the applicant in order to facilitate its deliberations.

EXHIBITS

Exhibit A: Application Submission
Exhibit B: Town of Ulysses Zoning Code Sections

Exhibit C: Consolidated Laws of New York Sections
Exhibit D: Site Plan Checklist Draft

Angelhearts Market

Sketch Plan Submission for Special
Use Permit and Site Plan Review



1404 Taughannock
Blvd
Ulysses, NY

January 30, 2023

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January 30, 2023

Pete Angie, Chair
Planning Board
Town of Ulysses
10 Elm Street
Trumansburg, NY 14886

Re: Sketch Plan Submission for Special Use Permit and Site Plan Review

Dear Chairman Angie:

Please find enclosed a Sketch Plan submission for a Special Use Permit and Site Plan Review for the Angelhearts Market. The property owners, Andrew and Kim Engelheart, intend to rehabilitate the existing 700SF vacant structure on site, formerly the West End Gas and Grocery, and construct a 1,250SF addition to the building for the Angelhearts Market. The Angelhearts Market will serve coffee, beverages, snacks, and hot and cold prepared foods to local residents and tourists alike. The applicant submitted a Use Variance and Area Variance application to the Town of Ulysses Zoning Board of Appeals on November 15, 2022. The property is located in the CZ - Conservation Zone. Restaurants are allowed in the Conservation Zone with a special use permit. However, the property includes multiple principal structures, including a house, and according to the current zoning regulations only one principal use is allowed on a lot in the Conservation Zone. The owners requested the Zoning Board of Appeals to either grant a Use Variance to allow two uses, the single-family home and the restaurant, or an Area Variance to subdivide the parcel into two lots under the minimum lot size in the Conservation Zone of 5.0 acres. On December 12, 2022, the Town of Ulysses Planner, Neils Tygesen, informed the applicant that the Zoning Board of Appeals would not need to grant an Area or Use Variance for the project, and instead the applicant should submit an application for a Special Use Permit for the restaurant and non-conformity for the second residential structure.

If you have any questions or require further information, please do not hesitate to call. We are looking forward to presenting the project to the Planning Board on March 7th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan Brath'.

Jan Brath, RLA - Senior Project Manager

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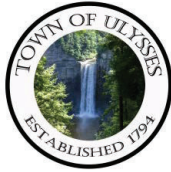
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Site Plan Application, Narrative, Authorization

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**Town of Ulysses
Planning Department
10 Elm Street
Trumansburg, NY 14886
(607) 387-9778 ext. 222**

Site Plan

Project #: _____

New Site Plan ☒
Site Plan Amendment ☐

Business/Project Name: <u>Angelhearts Market</u>	
Address/Location: <u>1404 Taughannock Blvd, Ithaca, NY 14850</u>	
Applicant:	
Name: <u>Jan V. Brath, RLA, Trowbridge Wolf Landscape Architects</u>	Address: <u>1001 W. Seneca St, Suite 201, Ithaca NY 14850</u>
Telephone #: <u>607-277-1400</u>	Fax #: _____ Email: <u>jvb@twm.la</u>
** Owner Authorization must be provided if you do not own the property.	
Property Owner (if different):	
Name: <u>Andrew J. Engelhart and Kimberly A. Engelhart</u>	Address: <u>1404 Taughannock Blvd, Ithaca, NY 14850</u>
Telephone #: <u>607-342-6227</u>	Fax #: _____ Email: <u>drew.engelhart@gmail.com</u>
Business Representative: <u>N/A</u>	Address: <u>N/A</u>
Telephone #: <u>N/A</u>	Fax #: <u>N/A</u> Email: <u>N/A</u>
Site:	
Parcel identification # (SBL#) of lots included: <u>18.-4-12.2</u>	
Zone: <u>CZ - Conservation Zone</u>	
Size of existing lot(s): <u>5.49</u> acres	
Existing Frontage <u>562.73'</u> feet	
Number of buildings proposed: <u>2</u> Area of proposed disturbance <u>1.0</u> Acres	
Size of proposed buildings: <u>1,950 SF</u>	
Proposed Use: Residential ☒ Multi-Family ☐ Commercial ☒ Retail ☐ Other _____	
Area of State Wetlands <u>0</u> acres Area of Federal Wetlands <u>0</u> acres	
Area of Flood Plain <u>0</u> acres	
Soil Classification <u>HsB, HsC3, HsD3, Ro</u> Area of Critical Slopes (> 15%) <u>16.3</u> acres	
Stream Name <u>N/A</u> Stream Classification <u>N/A</u> Stream Length <u>N/A</u> feet	
Date property was acquired by the applicant: <u>November 9, 2021</u>	
Name(s) of Previous Owner(s): <u>Cheryl E. Fletcher (purchased 10/21/2021)</u>	
Has applicant subdivided any portion of the above-described property prior to the date of this application? Yes ☐ No ☒	
If yes, indicate number of parcels <u>N/A</u> Conveyed to: <u>N/A</u> Date: <u>N/A</u>	
Describe any easements or other restrictions on this property: _____	
By submitting this application, the applicant consents to the Town, through its officers or employees, entering upon the subject premises to conduct relevant site inspections in connection with this application.	
Applicant/Business Representative Signature: <u>[Signature]</u> Date: <u>January 30, 2023</u>	
<u>Office use only</u>	
Fee \$ _____	Paid: Yes ☐ No ☐ Escrow Amount \$ _____
Application Status: Complete ☐ Incomplete ☐	Reason: _____ Reviewer's initials _____

Project Narrative

Located in the Town of Ulysses on Route 89 at the start of the Cayuga Lake Scenic Byway, Angelhearts Market is seeking to restore the previous gas station convenience store to its original charm. The 700 SF building has been vacant for the past three decades but is structurally sound with lots of potential. The addition of a 1,250 SF commercial kitchen will allow the market to provide locally roasted coffee, fresh baked goods, prepared hot/cold foods, snacks and beverages to locals going to work in nearby Ithaca and tourists visiting/camping at Taughannock Falls two miles down the road. While seating will be minimal in the original structure, outdoor seating under the existing pavilion or in an added outdoor picnic area behind the building will provide for customers seeking alternatives due to the current environment. Two ADA compliant bathrooms will also be added for customer use. Including the old market, there are 3 abandoned structures in the immediate area. Restoring this property will bring life back to the area as well as increase tax revenues. This project is an opportunity to turn the property into something positive for the community.

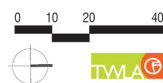
Site Plan

The proposed project involves the conversion of the former West End Gas and Grocery, located at the intersection of the Cayuga Lake Scenic Byway on Taughannock Blvd and Garrett Road, to the Angelhearts Market. The vacant 700SF existing structure, will be renovated and expanded with the addition of a 1,250 SF commercial kitchen along the northern façade of the existing building. A one-way entry into the parking lot will be constructed on Taughannock Blvd, and a one-way exit from the parking lot will be constructed on Garrett Road. The project will include an outdoor seating space north of the building. Bicycle racks will be located next to the eastern façade of the building. A loading bay will be located on the western façade of the building. Porous pavers will be utilized on walkways and the outdoor seating area, and bioretention plantings will be introduced in two (2) locations on the property. Screen plantings will be installed on the eastern portion of the proposed project site.



Angelhearts Market

CONCEPT PLAN



AUGUST 9th 2022



Project USGS Quad(s):
Ludlowville

Project Watershed(s):
Seneca (HUC 04140201)

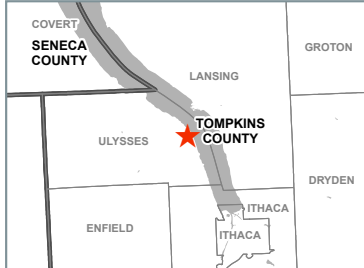
Center of Project Study Limits:
42.516812N, 76.55411103 W
North American Datum 1983



Project Parcel
 USGS 24K Quad Boundary

 Data Sources:
 United States Geological Survey 24k Topo Quad Map - usgs.gov

 Author: VM
 Revision Date: 11/9/2022



0 1,000 2,000 Feet

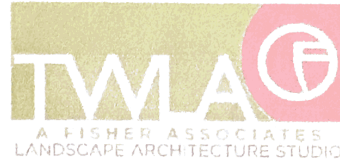
FISHER ASSOCIATES
 ANGELHEARTS MARKET
 1400-1404 TAUGHANNOCK BLVD, ULYSSES
 PROJECT LOCATION MAP

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1400 Taughannock Blvd, Ulysses, NY 14850



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OWNER'S AUTHORIZATION FORM

DATE: 1/25/23

TO THE TOWN OF ULYSSES PLANNING BOARD, 10 Elm Street, Trumansburg, New York:

I (We) Andrew Engelhart of 1404 Taughannock Blvd
(Name of Property Owner) (Street Address)
Town of Ulysses, New York, 14850
(Municipality) (State/Zip)

Owner of the property at: 1404 Taughannock Blvd
(Street & Number)

☒ I am the sole owner of the above-mentioned property.

☐ This property is also owned by _____

I hereby authorize TWMLA to submit a Sketch Plan and Site
Plan Review Application on my (our) behalf. I (we) understand the application will be heard at the
_____ (Date) meeting of the Town of Ulysses Planning Board.

Andrew Engelhart
Kimberly Engelhart (Signature)

TWM - A Fisher Associates Landscape Architecture Studio
Fisher Associates, P.E., L.S., L.A., D.P.C.
1001 West Seneca Street, Suite 201 Ithaca, New York 14850 ph: 607 277 1400

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Full Environmental Assessment Form & Addendum

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Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Angelhearts Market		
Project Location (describe, and attach a general location map): 1400-1404 Taughannock Blvd, Ithaca		
Brief Description of Proposed Action (include purpose or need): See attached		
Name of Applicant/Sponsor: Jan V. Brath; TWLA, A Fisher ASSociates Landscape Architecture Studio		Telephone: 607-277-1400
		E-Mail: jvb@twm.la
Address: 1001 West Seneca Street, Suite 201		
City/PO: Ithaca	State: NY	Zip Code: 14850
Project Contact (if not same as sponsor; give name and title/role): See above		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Andrew J. Engelhart and Kimberly A. Engelhart		Telephone: 607-342-6227
		E-Mail: drew.engelhart@gmail.com
Address: 1404 Taughannock Blvd		
City/PO: Ithaca	State: NY	Zip Code: 14850

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Town of Ulysses Planning Board: Site Plan Approval	Winter/Spring 2023
c. City Council, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☒ Yes ☐ No	Town of Ulysses Code Enforcement Officer: Building Permit	Winter/Spring 2023
e. County agencies ☒ Yes ☐ No	Tompkins County Health Department: Sewer Approval	Winter/Spring 2023
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDOT: Right-of-Way Permit	Winter/Spring 2023
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Cayuga Lake LWRP; Tompkins County Conservation Plan; Cayuga Lake Scenic Byway nomination

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning		
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.	☒ Yes	☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district? <u>CZ - Conservation Zone</u>		
b. Is the use permitted or allowed by a special or conditional use permit?	See attached	☒ Yes ☐ No
c. Is a zoning change requested as part of the proposed action?		☐ Yes ☒ No
If Yes, i. What is the proposed new zoning for the site? _____		
C.4. Existing community services.		
a. In what school district is the project site located? <u>City of Ithaca School District</u>		
b. What police or other public protection forces serve the project site? <u>Trumansburg Police Department; Tompkins County Sheriff; NYS Police Troop C</u>		
c. Which fire protection and emergency medical services serve the project site? <u>Trumansburg Volunteer Fire Co.; Trumansburg EMS services; Cayuga Medical Center</u>		
d. What parks serve the project site? <u>Cayuga Nature Center</u>		

D. Project Details

D.1. Proposed and Potential Development		
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Commercial (restaurant)</u>		
b. a. Total acreage of the site of the proposed action?	5.5	acres
b. Total acreage to be physically disturbed?	1.0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	5.5	acres
c. Is the proposed action an expansion of an existing project or use?		☒ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % <u>1,250</u> Units: <u>Square feet</u>		
d. Is the proposed action a subdivision, or does it include a subdivision?		☐ Yes ☒ No
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____		
ii. Is a cluster/conservation layout proposed?		☐ Yes ☐ No
iii. Number of lots proposed? _____		
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____		
e. Will proposed action be constructed in multiple phases?		☐ Yes ☒ No
i. If No, anticipated period of construction:		<u>6</u> months
ii. If Yes:		
• Total number of phases anticipated		_____
• Anticipated commencement date of phase 1 (including demolition)		_____ month _____ year
• Anticipated completion date of final phase		_____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____		

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: <u>20'</u> height; <u>40'</u> width; and <u>48'</u> length iii. Approximate extent of building space to be heated or cooled: <u>1,950</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☒ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? <u>Installation of septic and stormwater facilities</u> ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): <u>226 cubic yards</u> • Over what duration of time? <u>6 months</u> iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☒ No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? <u>0.06</u> acres vi. What is the maximum area to be worked at any one time? <u>0.06</u> acres vii. What would be the maximum depth of excavation or dredging? <u>2.5-3</u> feet viii. Will the excavation require blasting? ☐ Yes ☒ No ix. Summarize site reclamation goals and plan: _____ <u>Excavated materials will remain and be reused on site where possible.</u> _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 980 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____
A well exists on site. If the existing well does not adequately service the restaurant, a second well may be drilled.

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ 2 gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 980 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ <u>A new septic system will be designed by a local engineering firm.</u>	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ <u>N/A</u>	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: Note: the project is anticipated to generate 1.0 acres of disturbance. The question was answered "yes" to conservatively estimate stormwater runoff in the event that disturbance exceeds 1.0 acres.	
i. How much impervious surface will the project create in relation to total size of project parcel? _____ _____ Square feet or <u>0.2</u> acres (impervious surface) The project includes a 1,250SF building addition and 6,800SF paved parking and drive area. _____ Square feet or <u>5.5</u> acres (parcel size)	
ii. Describe types of new point sources. <u>A 1,250 SF building addition and a paved parking area</u>	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ <u>On-site stormwater management will include utilizing porous pavers on walkways and the outdoor seating area, and bioretention plantings in two (2) locations on the property.</u>	
• If to surface waters, identify receiving water bodies or wetlands: _____ <u>N/A</u>	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ <u>Construction equipment</u>	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ <u>Power generation, spot heating</u>	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ <u>Building heating</u>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____	
ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No Note: The restaurant most closely resembles a "fast food restaurant with drive-in." The restaurant is under 3,000SF and therefore is not anticipated to generate a substantial increase in traffic. If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ 84,825 KWh ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>NYSEG will supply electricity; the proposed project will also be designed with a solar-ready design for potential installation of rooftop solar PV system.</u> iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>7AM-7PM</u> • Saturday: <u>7AM-7PM (as needed)</u> • Sunday: <u>7AM-7PM (as needed)</u> • Holidays: <u>7AM-7PM (as needed)</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>7:30AM-3:00PM(W-F); closed M/T</u> • Saturday: <u>9:00AM-3:00PM</u> • Sunday: <u>9:00AM-3:00PM</u> • Holidays: <u>closed</u> </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>7AM-7PM</u> • Saturday: <u>7AM-7PM (as needed)</u> • Sunday: <u>7AM-7PM (as needed)</u> • Holidays: <u>7AM-7PM (as needed)</u>	ii. During Operations: • Monday - Friday: <u>7:30AM-3:00PM(W-F); closed M/T</u> • Saturday: <u>9:00AM-3:00PM</u> • Sunday: <u>9:00AM-3:00PM</u> • Holidays: <u>closed</u>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: <u>Construction activities on the site will result in temporary increases in ambient noise levels during typical construction hours. Construction-related noise is an unavoidable, temporary impact.</u>	
ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____	
n.. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Outdoor lighting will be minimal due to daytime hours of operation. Lights will be dark sky compliant. Anticipated 36" high bollard lights and building mounted lights. Existing historic pole mounted market/gas station sign. 10' high, will remain; existing lights on sign replace with modern down lighting.</u>	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally describe proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: <u>0.57</u> tons per <u>month</u> (unit of time) • Operation : <u>0.23</u> tons per <u>week</u> (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: <u>Recycling and reuse of materials to be considered</u> • Operation: <u>General sorting of recycling</u> iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: <u>Transport to licensed off-site disposal facility</u> • Operation: <u>Standard municipal pickup for off-site disposal</u>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
ii. Anticipated rate of disposal/processing:
• _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
• _____ Tons/hour, if combustion or thermal treatment
iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
iii. Specify amount to be handled or generated _____ tons/month
iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
If Yes: provide name and location of facility: _____
If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

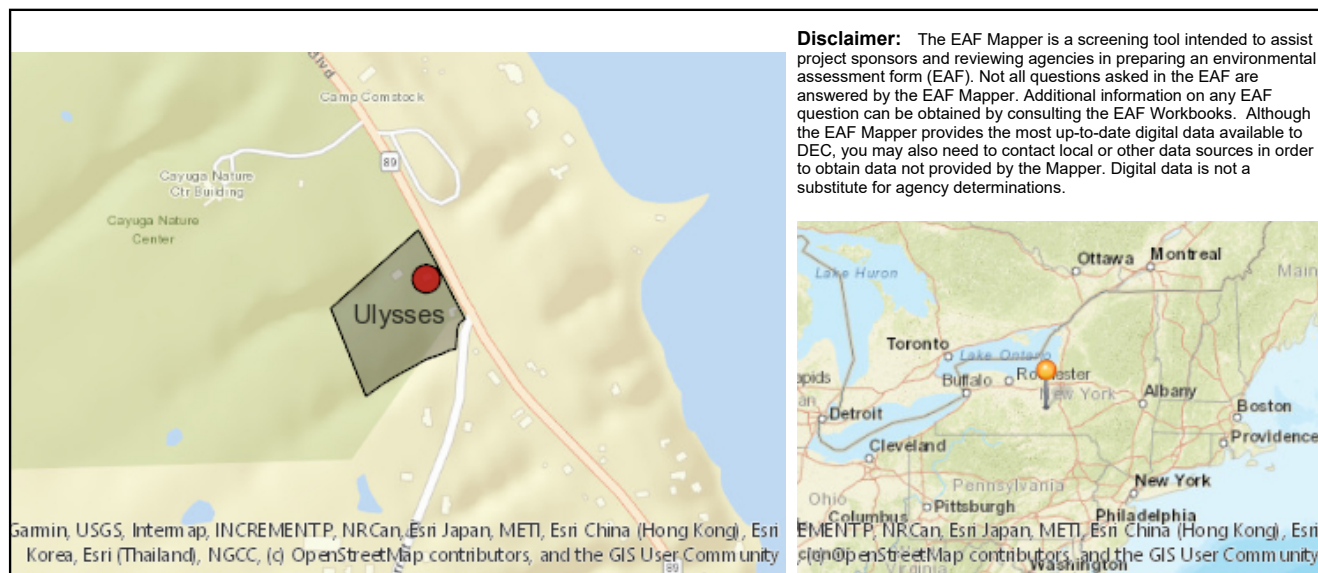
a. Existing land uses.
i. Check all uses that occur on, adjoining and near the project site.
☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.3	0.5	+0.2
• Forested	3.5	3.4	-0.1
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.7	0.6	-0.1
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	958LF	958LF	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0.9	0.9	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☒ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	☐ Yes ☒ No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	☐ Yes ☒ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☒ No ☐ Yes ☐ No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☒ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): 9405245 Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☒ Yes ☐ No ☒ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ One (1) spill recorded on site involving a five (5) gallon diesel spill impacting soil occurred on 7/18/1994. The spill was closed on 11/14/1994 by the NYSDEC. Three tanks previously recorded on site were listed as closed/removed.	

m. Identify the predominant wildlife species that occupy or use the project site: _____ Typical species found in early mid- _____ successional forest _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No See attached	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☒ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ The site is in an area of Tompkins County that allows hunting. The site is already developed and the addition is not expected to impact hunting.	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☒ Yes ☐ No i. If Yes: acreage(s) on project site? 2.3 acres ii. Source(s) of soil rating(s): Web Soil Survey; HsB (Hudson silty clay loam, 2 to 6 percent slopes)	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Lake Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Cayuga Preventorium
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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Full Environmental Assessment Form Addendum

Part 1 – Project and Sponsor Information

Brief Description of Proposed Action:

The proposed project involves the conversion of the former West End Gas and Grocery, located at the intersection of the Cayuga Lake Scenic Byway on Taughannock Blvd and Garrett Road, to the Angelhearts Market. The Angelhearts Market will serve prepared hot/cold foods, beverages, and snacks. The 700SF existing structure, which has been vacant for three decades, will be renovated and expanded with the addition of a 1,250 SF commercial kitchen along the northern façade of the existing building. A one-way entry into the parking lot will be constructed on Taughannock Blvd, and a one-way exit from the parking lot will be constructed on Garrett Road. The project will include an outdoor seating space north of the building. Bicycle racks will be located next to the eastern façade of the building. A loading bay will be located on the western façade of the building. Porous pavers will be utilized on walkways and the outdoor seating area, and bioretention plantings will be introduced in two (2) locations on the property. Screen plantings will be installed on the eastern portion of the proposed project site.

C.3.b. Is the use permitted or allowed by a special or conditional use permit?

One (1) single-family residence and the former West Shore Market, the site of the proposed project, are located on the parcel. A residence is permitted in the Conservation Zone, and no work is proposed to the residential structure. The Conservation Zone allows for a restaurant with a special use permit.

However, the Conservation Zone lot area and yard requirements state that “There shall be no more than one principal building on any lot in the CZ-Conservation Zone.” The proposed project will result in two principal buildings, a restaurant, and a single-family residence, on the property. The applicant submitted an application for a Use or Area Variance on November 15, 2022. On December 12, 2022 the Town of Ulysses Planner, Neils Tygesen, informed the applicant that the Zoning Board of Appeals would not need to grant an Area or Use Variance, and that the applicant should submit an application for a Special Use Permit for the restaurant and non-conformity for the second residential structure.

E.1.h Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or complete) for hazardous waste?

The NYSDEC EAF Mapper did not record this site as containing hazardous waste, however the West Shore Gas and Grocery was formerly located on the site. According to the NYSDEC Bulk Storage Database, three (3) tanks (550, 4,000, and 6,000 gallons) were located on the site. All three (3) tanks are listed as “closed – removed” on the NYSDEC Bulk Storage Database. One (1) spill recorded on site involving a five (5) gallon diesel spill impacting soil occurred on 7/18/1994. The spill was closed on 11/14/1994 by the NYSDEC. The NYSDEC-certified tank removal and site cleanup information, which was conveyed to the current property owner, is attached to this application.

E.2.h. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?

The NYSDEC EAF Mapper tool indicates that a portion of the site or lands adjoining the site contain wetlands or waterbodies regulated by a federal, state or local agency. The Tompkins County Natural Resources Inventory Web Map indicates there is one (1) intermittent stream located on the northern portion of the project site, and one (1) intermittent stream on the southern portion of the project site. However, a review of the NYSDEC Environmental Resource Mapper (ERM) does not list the presence of any wetlands or waterbodies regulated by the state or any NWI mapped wetlands on or adjoining the site of the proposed action. The question was answered “yes” due to the presence of two (2) streams on site according to data from the Tompkins County Natural Resources Inventory Web Map.

E.2.o. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

According to the USFWS Information for Planning and Consultation (IPaC) resource list generated for the project area, the Northern Long-Eared Bat (*Myotis septentrionalis*) is potentially affected by activities at the project location. The Northern Long-Eared Bat is listed as a threatened species under the Endangered Species Act.

The USFWS Environmental Conservation Online System (ECOS) informational page for the Northern Long-Eared Bat describes the following habitat requirements:

During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula.

The proposed project will involve removal of approximately 20 trees of small to medium caliper. Many of the trees slated for removal are ash trees that are infected with the emerald ash borer. Additionally, no large or specimen trees are included in the tree removal. Most of the tree removal is within scrub-shrub and/or transitional habitat. According to the NYSDEC Northern Long-Eared Bat Occurrence by Town list (updated August 24, 2022), there are no known summer or winter occurrences of the Northern Long-Eared Bat in Tompkins County. Consultation with the USFWS through the Information for Planning and Consultation website was initiated on November 10, 2022. According to the USFWS verification letter dated November 10, 2022, "...any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species [*the Northern Long-Eared Bat*]." Unless there are any changes to the project, no additional coordination with the USFWS is required for the Northern Long-Eared Bat. Any changes to the project, the results of any bat surveys in the project area, or discovery of any dead, injured or sick Northern Long-Eared Bats will be reported to the USFWS. Additionally, the NYSDEC EAF Mapper tool indicates that the Lake Sturgeon is located on the project site. However, there are no identified waterbodies located on the project site, and the listing is likely referencing the presence of the Cayuga Lake Sturgeon located in the Cayuga Lake, which is approximately 850 feet east of the site of the proposed action.

Agricultural Data Statement

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TOWN OF ULYSSES
AGRICULTURAL DATA STATEMENT AND CONTROL FORM

Certain lands in the Town of Ulysses lie in an area that has been designated as an Agricultural District. Section 283-a of the New York State Town Law requires any application for a Special Permit, Site Plan, Use Variance or Subdivision on property within such a District containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in such a District to include an Agricultural Data Statement. All such applications must be referred to the Tompkins County Planning Board in accordance with Section 239-m and 239-n of the General Municipal Law.

“Farming operations” are defined by Section 301. Article 25AA of the New York State Agriculture and Markets Law as “... the land used in agricultural production, farm buildings, equipment and farm residential buildings.”

PART 1 (completed by Applicant)

- A. Name of Applicant: Andrew Engelhart and Kimberly Engelhart
 B. Address: 1404 Taughannock Blvd., Ithaca NY 14850
 C. Description of Project (attach a brief narrative describing the project)
 D. Location of Proposed Project (tax map number): 18.-4-12.2
 E. Names and address of owners of land within Agricultural District #5 containing Farm Operations and located within five hundred (500) feet of the project property.

	Name	Address	Tax Map #
1.	None		
2.			
3.			
4.			
5.			

- F. Attach a tax map showing the site of the proposed project relative to the location of the Farm Operations identified above.

PART II (to be completed by Municipal Review Agency)

Type of Submission: Special Permit____Use Variance____Site Plan____Subdivision ____
 Review Agency: Zoning Board of Appeals ____ Planning Board____Town Board ____

PART III (to be completed by Municipal Review Agency)

Consistent with Section 283-a(3) of the Town Law, written notice of the application described in Part I has been provided to the owners of land identified in the Agricultural Data Statement.

Date Notice Mailed: _____

PART IV (to be completed by Municipal Review Agency)

Consistent with Section 293-a(5) of the Town Law, the Clerk of the Municipal Review Agency identified in Part II must refer all applications requiring an Agricultural Data Statement to the County Planning Board.

Date Notice Mailed: _____

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Agency Coordination

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PUMP AND TANK, INC.

3939 Sweden-Walker Rd. • Brockport, NY 14420



**PHONE: (716) 637-0290
FAX: (716) 637-0291**

TANK CLOSURE AND SITE ASSESSMENT REPORT

CUSTOMER: WEST SHORE GAS AND GROCERY.
1400 TAUGHANOCK BLVD.
ADDRESS: ITHACA, NEW YORK

DATE OF CLOSURE: 7/18/94

PHONE #: 607-272-7517

JOB SITE: SAME

PROJECT FOREMAN: DAVID JUNCO

SITE CONTACT: CHUCK FLETCHER

SERVICE PERFORMED: CLOSURE

OF TANKS: (3)

TANK SIZE AND PRODUCT STORED: 6,000, 4,000 GALLON GASOLINE AND 550 GALLON KEROSENE

TANK CONSTRUCTION: BARE STEEL

METHOD OF CLOSURE: REMOVAL

TANKS CLEANED & PURGED: YES

SITE EVALUATION:

SOIL TYPE: HARD PACKED CLAY IS NATIVE SOIL TANK BEDS WERE SAND

TANK CONDITION: SEVERAL SMALL HOLES PRESENT IN KERO TANK OTHERS WERE IN FINE SHAPE

GROUND WATER LEVEL: NONE FOUND

GROUND WATER CONDITION: N/A

EVIDENCE OF CONTAMINATION: SOIL WAS STAINED AROUND KERO TANK AND SMALL AMOUNT OF
CONTAMINATION FOUND AROUND GAS TANK BEDS

HNU METER READINGS: N. WALL S. WALL E. WALL W. WALL TANK BOTTOM:
5 12 4 6 9

TESTING LABORATORY NAME AND ADDRESS: PARADIGM ENVIRONMENTAL
179 LAKE AVENUE
ROCHESTER, NEW YORK 14606

AGENCIES NOTIFIED: NEW YORK STATE DEC REGION #7

AGENCIES ON SITE: N/A

"Above and under ground storage tank specialists"

TO WHOM IT MAY CONCERN:

THIS LETTER IS TO VERIFY THAT THE FOLLOWING TANK(S) ORIGINATING FROM THE LOCATION(S) LISTED BELOW HAVE BEEN CLEANED AND PURGED BY B & D PUMP AND TANK, INC. AS PER NYSDEC AND USEPA REGULATIONS. WILL BE HAULING THESE TANKS.

# TANKS: (3)	SIZE (GALLONS)
	6,000
	4,000
	550

LOCATION: WEST SHORE GAS & GROCERY
1400 TAUGHANNOCK BLVD. RD3
ITHACA, NEW YORK

DATE: 7/18/943

SINCERELY,

B & D PUMP AND TANK, INC.

LIQUID/SLUDGE:

AMOUNT OF LIQUID/SLUDGE FOR DISPOSAL: APPROX. 55 GALLONS

QUANTITY DRUMMED: 55 GALLONS

QUANTITY TRANSPORT TRUCK:

HAULER OF LIQUID/SLUDGE:

DISPOSITION OF LIQUID/SLUDGE: SLUDGE TO BE ANALYZED THEN DISPOSED OF

TANKS:

DISPOSITION OF TANKS: CLEANED AND CUT TO RENDER AS SCRAP

HAULER OF TANKS: CARPENTERS EXCAVATING

CONTAMINATED SOIL:

AMOUNT OF CONTAMINATED SOIL: ESTIMATED 50 TONS

DISPOSITION OF SOIL: STOCKPILED ON PLASTIC

HAULER:

REMEDIATION:

FURTHER ON SITE REMEDIATION REQUIRED: NONE

REMEDIATION PLANS: N/A

PARADIGM
ENVIRONMENTAL
SERVICES, INC.

COPY

179 Lake Avenue Rochester, New York 14608 716-647-2530 FAX 716-647-3311

Volatile Aromatic Analysis Report For Soil (STARS List)

Client: **B & D Pump and Tank, Inc.** Lab Project No.: GE2110
Client Job Site: West Shore Gas & Grocery Ithaca, New York Lab Sample No.: 6367
Client Job No.: N/A Sample Type: Soil
Field Location: Tank Pit Composite Date Sampled: 07/18/94
Field ID No.: 1 Date Received: 07/21/94
Date Analyzed: 07/25/94

VOLATILE AROMATICS	RESULTS (ug/g)
Methyl tert-Butyl Ether	ND < 0.6
Benzene	ND < 0.6
Toluene	ND < 0.6
Chlorobenzene	ND < 0.6
Ethylbenzene	ND < 0.6
m,p-Xylene	ND < 0.6
o-Xylene	ND < 0.6
Isopropylbenzene	ND < 0.6
n-Propylbenzene	ND < 0.6
1,3,5-Trimethylbenzene	ND < 0.6
tert-Butylbenzene	ND < 0.6
1,2,4-Trimethylbenzene	ND < 0.6
sec-Butylbenzene	ND < 0.6
1,3-Dichlorobenzene	ND < 0.6
p-Isopropyltoluene	ND < 0.6
1,4-Dichlorobenzene	ND < 0.6
1,2-Dichlorobenzene	ND < 0.6
n-Butylbenzene	ND < 0.6
1,2,4-Trichlorobenzene	ND < 0.6
Naphthalene	ND < 0.6
1,2,3-Trichlorobenzene	ND < 0.6

Analytical Method: EPA 8021 NYS ELAP ID No.: 10958

Comments: ND denotes Not Detected

Approved By: 
Laboratory Director

GE2110V.XLS



Semi-Volatile Analysis Report For Solids (STARS List)

Client:	<u>B & D Pump and Tank, Inc.</u>	Lab Project No.:	GE2110
		Lab Sample No.:	6367
Client Job Site:	West Shore Gas & Grocery	Sample Type:	Soil
	Ithaca, New York		
Client Job No.:	N/A	Date Sampled:	07/18/94
		Date Received:	07/21/94
Field Location:	Tank Pit Composite	Date Analyzed:	07/26/94
Field ID No.:	1		

COMPOUND	RESULT (ug/g)
Napthalene	ND < 0.40
Acenaphthene	ND < 0.40
Fluorene	ND < 0.40
Fluoranthene	ND < 0.40
Anthracene	ND < 0.40
Phenanthrene	ND < 0.40
Benzo (a) anthracene	ND < 0.40
Chrysene	ND < 0.40
Pyrene	ND < 0.40
Benzo (b) fluoranthene	ND < 0.40
Benzo (k) fluoranthene	ND < 0.40
Benzo (g,h,i) perylene	ND < 0.40
Benzo (a) pyrene	ND < 0.40
Dibenz (a,h) anthracene	ND < 0.40
Indeno (1,2,3-cd) pyrene	ND < 0.40

Analytical Method: EPA 8270

NYS ELAP ID No.: 10958

Comments: ND denotes Not Detected

Approved By: 

Laboratory Director

GE2110SV.XLS

[illegible]



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov



In Reply Refer To:
Project Code: 2023-0014631
Project Name: Angelhearts Market

November 10, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Agency: Fisher Associates
Name: Sarah Martin
Address: 55 Chicago Street
Address Line 2: Suite 200
City: Buffalo
State: NY
Zip: 14202
Email: smartin@fisherassoc.com
Phone: 7168581234

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Project Code: 2023-0014631

Project Name: Angelhearts Market

Project Type: New Constr - Above Ground

Project Description: The proposed project involves the conversion of the former West End Gas and Grocery, located at the intersection of the Cayuga Lake Scenic Byway on Taughannock Blvd and Garrett Road, to the Angelhearts Market. The Angelhearts Market will serve prepared hot/cold foods, beverages, and snacks. The 700SF existing structure, which has been vacant for three decades, will be renovated and expanded with the addition of a 1,250 SF commercial kitchen along the northern façade of the existing building. A one-way entry into the parking lot will be constructed on Taughannock Blvd, and a one-way exit from the parking lot will be constructed on Garrett Road. The project will include an outdoor seating space north of the building. Bicycle racks will be located next to the eastern façade of the building. A loading bay will be located on the western façade of the building. Porous pavers will be utilized on walkways and the outdoor seating area, and bioretention plantings will be introduced in two (2) locations on the property. Screen plantings will be installed on the eastern portion of the proposed project site.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.5168288,-76.5540703,17.2347,14z>



Counties: Tompkins County, New York

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov



In Reply Refer To:
Project code: 2023-0014631
Project Name: Angelhearts Market

November 10, 2022

Subject: Consistency letter for the 'Angelhearts Market' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Sarah Martin:

The U.S. Fish and Wildlife Service (Service) received on November 10, 2022 your effects determination for the 'Angelhearts Market' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause “take”^[1] of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action’s effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

The IPaC-assisted determination for the northern long-eared bat **does not** apply to the following ESA-protected species that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Angelhearts Market

2. Description

The following description was provided for the project 'Angelhearts Market':

The proposed project involves the conversion of the former West End Gas and Grocery, located at the intersection of the Cayuga Lake Scenic Byway on Taughannock Blvd and Garrett Road, to the Angelhearts Market. The Angelhearts Market will serve prepared hot/cold foods, beverages, and snacks. The 700SF existing structure, which has been vacant for three decades, will be renovated and expanded with the addition of a 1,250 SF commercial kitchen along the northern façade of the existing building. A one-way entry into the parking lot will be constructed on Taughannock Blvd, and a one-way exit from the parking lot will be constructed on Garrett Road. The project will include an outdoor seating space north of the building. Bicycle racks will be located next to the eastern façade of the building. A loading bay will be located on the western façade of the building. Porous pavers will be utilized on walkways and the outdoor seating area, and bioretention plantings will be introduced in two (2) locations on the property. Screen plantings will be installed on the eastern portion of the proposed project site.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.5168288,-76.5540703172347,14z>

**Determination Key Result**

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

No

2. Will your activity purposefully **Take** northern long-eared bats?

No

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0.

Yes

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

6. Will the action involve Tree Removal?

Yes

7. Will the action only remove hazardous trees for the protection of human life or property?

No

8. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

9. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below.

Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0.18

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below.

Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below.

Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

IPaC User Contact Information

Agency: Fisher Associates
Name: Sarah Martin
Address: 55 Chicago Street
Address Line 2: Suite 200
City: Buffalo
State: NY
Zip: 14202
Email: smartin@fisherassoc.com
Phone: 7168581234

Conceptual Stormwater Management Plan and Septic Design

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Angelhearts Market

STORMWATER CONCEPT PLAN



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MOUND WITH ELJEN GRAVELLESS
GEOTEXTILE SAND FILTER TRENCHES
(4 ROWS OF 11 MODULES = 44 MODULES)
EXCAVATE 1' BELOW 48'X39' AREA =
1880 CF = 70 CY

LIMITS OF FILL
(BASAL AREA)

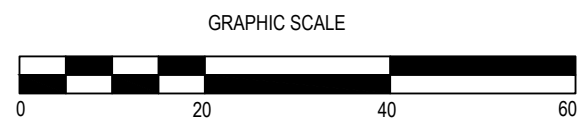
TOTAL EXCAVATION = 226 CY

95 LF 2" FORCEMAIN
TRENCH 3' WIDE BY 5' DEEP =
1425 CF = 53 CY

TWO 1,000 GALLON SEPTIC TANKS
2,000 GALLONS TOTAL
TANK EXCAVATION 8' X 30' X 7.5' DEEP =
1800 CF = 67 CY

6' DIAMETER PUMP TANK
TANK EXCAVATION 10' X 10' X 8.5' DEEP =
850 CF = 32 CY

10 LF 4" SDR35 PVC
3' WIDE BY 3' DEEP
TRENCH = 90 CF = 4 CY



Conceptual Septic System Design January 24, 2023

Planning Board
Sketch Plan Review Angelhearts Special Permit and Site Plan

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Survey and Topographic Maps

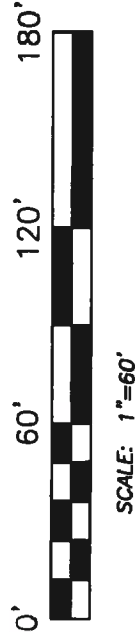
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LEGEND

- EXISTING IRON PIPE
- EXISTING IRON PIN
- SET IRON PIN
- CALCULATED POINT
- UTILITY POLE

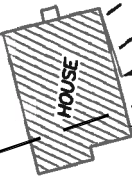
REFERENCE MAPS

- 1.) ENTITLED "LANDS OF CHERYL FLETCHER..." DATED 12/5/2014 BY T.G. MILLER, P.C.
- 2.) ENTITLED "NYS DOT ABANDONMENT MAP 3 PAR. 3" DATED 2/20/2020 BY T.G. MILLER, P.C.



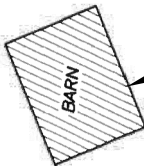
HALCYON RIDGE LLC (R.O.)
2015-06507
TAX MAP PARCEL NO. 18-4-12.3

N.Y.S. RTE. 89
(TAUGHANNOCK BOULEVARD)
HIGHWAY LINE
S 14°54'22" E 132.39'
S 18°52'11" E 285.00'



HOUSE #1404

HOUSE 1,707 SF.



BARN 2,400 SF.

TITLE INFORMATION

CHERYL E. FLETCHER
SEE INSTRUMENT NO. 2015-06078
SEE INSTRUMENT NO. 2021-07646
TAX MAP PARCEL NO. 18-4-12.2
AREA = 5.49 ACRES NET TO RD. R/W'S

N 11°48'41" W 415.15' TOTAL
330.84' (P TO P)

CHERYL E. FLETCHER (R.O.)
SEE INSTRUMENT NO. 437142-001
TAX MAP PARCEL NO. 18-4-13.2

CERTIFICATION

I hereby certify to
that I am a licensed land surveyor, New York State License
No. 050096, and that this map correctly delineates an
actual survey on the ground made by me or under my direct
supervision and that I found no visible encroachments either
way across property lines except as shown hereon.

Andrew Engelhart
Kimberly Engelhart
Mazza Law Offices

SIGNED:

DATED: 8/31/2021



T.G. MILLER P.C.
ENGINEERS AND SURVEYORS
605 WEST STATE STREET
ITHACA, NEW YORK 14850
TEL (607)272-6477

TITLE:

SURVEY MAP

LOCATED AT NO. 1404 TAUGHANNOCK BLVD.

TOWN OF ULYSSES, TOMPKINS COUNTY, NEW YORK

DATE: 8/31/2021

SCALE: 1"=60'

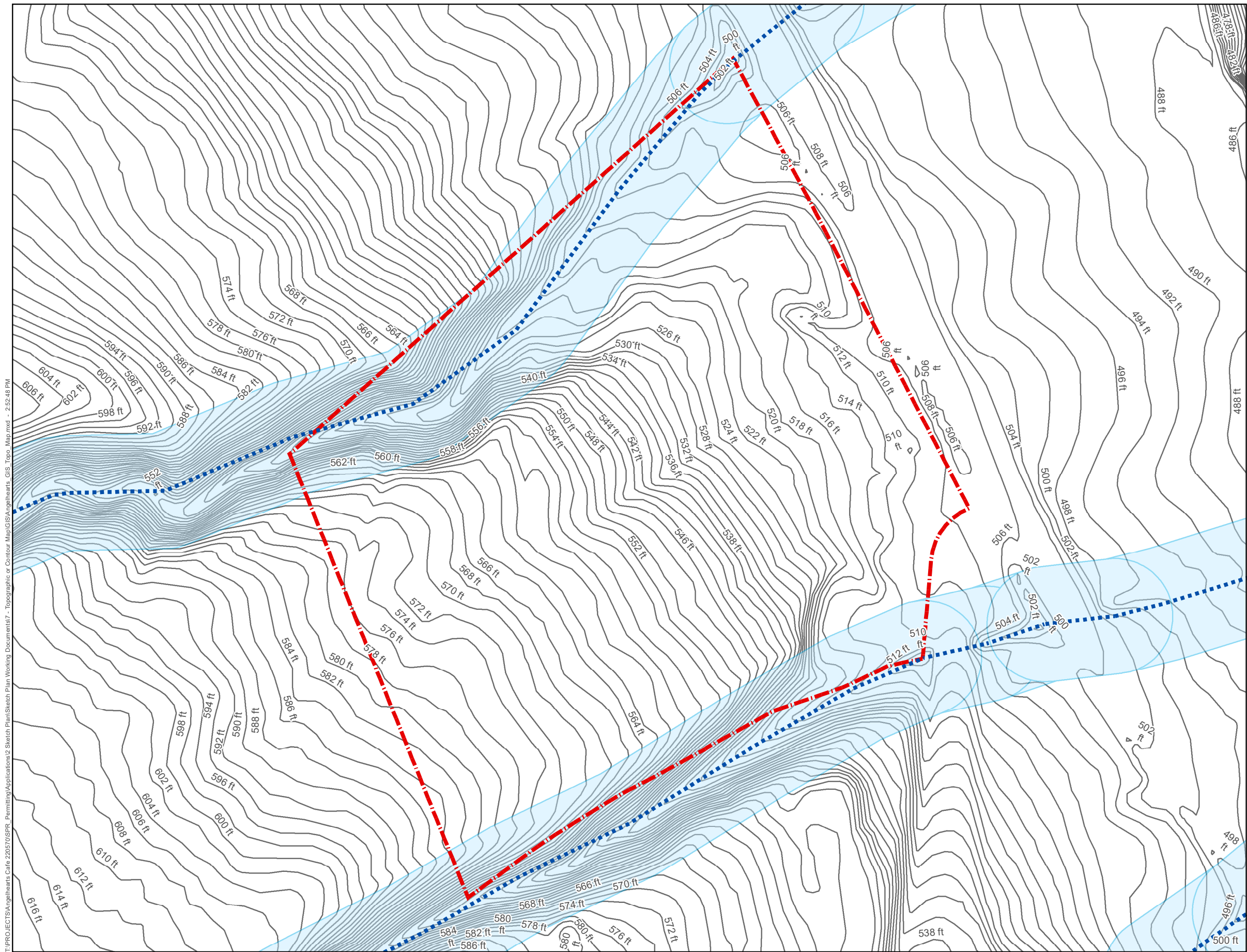
S21897

REVISED



WARNING:
ALLEGATION OF THIS MAP NOT
BEING A SURVEY FOR
SUBDIVISION OF LAND OR
EDUCATION LAW, ARE PROHIBITED
BY LAW. ALL CERTIFICATIONS
HEREON ARE VALID FOR THIS MAP
AND COPIES THEREOF ONLY IF SIGNED
AND DATED BY THE SURVEYOR
AND THE LICENSED LAND SURVEYOR
WHOSE SIGNATURE APPEARS HEREON.

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ANGELHEARTS MARKET
1400-1404 TAUGHANNOCK BLVD, ULYSSES
CONTOUR MAP, STREAM BUFFERS

Project USGS Quad(s): Medina	Center of Project Study Limits: 43.211469 N, 78.394684 W North American Datum 1983
---------------------------------	--

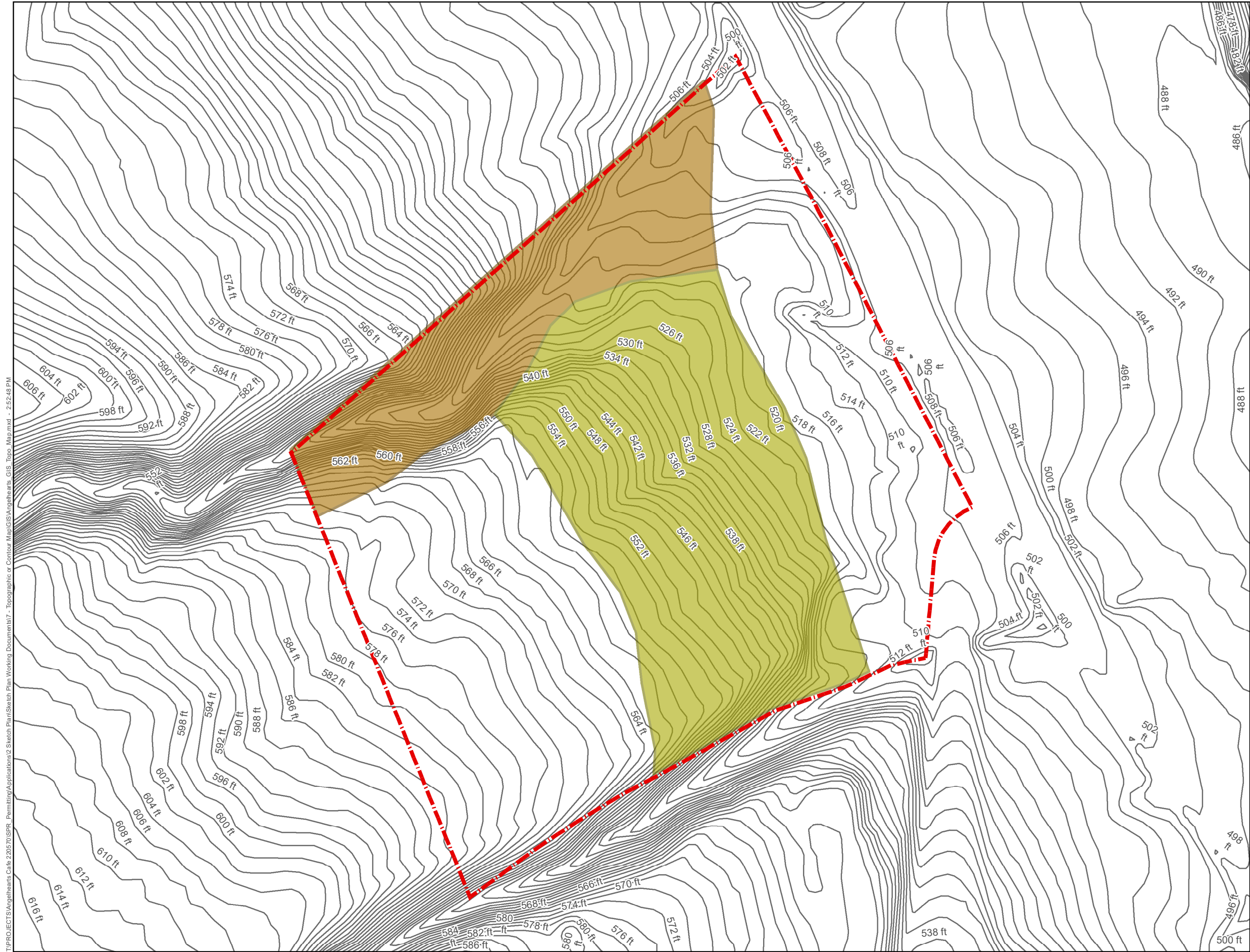
Project Parcel
 2ft Contours
 Tompkins County Streams
 Tompkins County 50' Stream Buffer

Note: Unique Natural Areas and Critical Environmental Areas were not identified in or around the project area.

Data Sources:
 New York State GIS - Contours - gis.ny.gov
 Tompkins County Open Data Portal - tompkinscounty.opendata.arcgis.com

Author: SM	Revision Date: 1/19/2023
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050100 Feet

FISHER
ASSOCIATES

ANGELHEARTS MARKET
1400-1404 TAUGHANNOCK BLVD, ULYSSES
CONTOUR MAP, SOIL TYPES (STEEP SLOPES)

Project USGS Quad(s):
Medina

Center of Project Study Limits:
43.211469 N, 78.394684 W
North American Datum 1983

Project Parcel

2ft Contours

HsD3

Ro

Note: Unique Natural Areas and Critical Environmental Areas were not identified in or around the project area.

Data Sources:
New York State GIS - Contours - gis.ny.gov
Tompkins County Open Data Portal - tompskinscounty.opendata.arogis.com

Author: SM

Revision Date: 1/19/2023

T:\PROJECTS\Angelhearts Cafe 220570\SPR - Permitting\Applications\2 Sketch Plans\Sketch Plan Working Documents\7 - Topographic or Contour Map\GIS\Angelhearts GIS Topo Map.mxd - 2:52:48 PM

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Chapter 212. Zoning

Article III. Administration

§ 212-18. Special permits.

- A. Purpose and establishment. The purpose of this section is to set forth regulations, procedures, and conditions that apply to certain permitted uses that, because of size, intensity, or other special factors, warrant special evaluation of each individual case. The Planning Board is hereby charged with carrying out the review and approval functions provided for in Town Law § 274-b: to grant special permits as set forth in this chapter.
- B. Applicability. The requirements set forth in this section shall apply to all construction, activities, uses, or developments that are referred to elsewhere in this chapter as being allowed only upon receipt of a special permit. Before a building permit can be issued for any of the structures or activities for which a special permit is required, such a permit shall be obtained in accordance with these and other applicable provisions. Any change of use of an existing structure to a use that requires a special permit shall be subject to the requirements of this article.
- C. Procedure.
- (1) Activities or uses that require a special permit also require site plan review and approval. Application for a special permit shall be made on a form provided by the Town, in addition to the site plan review requirements in § 212-19. The application for special permit shall not be deemed complete until all of the materials are received by the Zoning Officer and the requirements of SEQR have been met.
 - (2) Upon receipt of a complete application, the Planning Board shall hold a public hearing in accordance with the provisions of Town Law § 274-b or any similar or successor applicable statutes and shall render a decision approving, approving with conditions, or denying the special permit. Such hearing may be combined with any other hearing relating to the same proposal (e.g., site plan approval and special permit hearings may be combined).
 - (3) In making its decision, the Planning Board shall have the power to impose conditions and restrictions as authorized by Town Law § 274-b or any similar or successor applicable statutes.
- D. Waiver of requirements. The Planning Board may waive one or more of the normal application requirements when it determines that the particular circumstances do not require all of the full application materials for adequate consideration of the request for special permit.
- E. Considerations for approval. The Planning Board's determination of an application for special permit shall include findings consistent with any special criteria set forth in this chapter relating to the specific use or activity for which approval is being sought, and shall also include as appropriate, but shall not be limited to, findings that the following standards have been met:
- (1) The health, safety, morals and general welfare of the community in harmony with the general purpose of this chapter (including the specific purposes related to the zone in which the premises are located) are being promoted.

- (2) The premises are reasonably adapted to the proposed use, and such use will fill a neighborhood or community need, except that all publicly owned or educational buildings are deemed to be adapted to the proposed use and are deemed to fill a neighborhood or community need.
 - (3) The proposed use and the location and design of any structure will be consistent with the character of the zone in which it is located.
 - (4) The proposed use will not be detrimental to the general amenity or neighborhood character in amounts sufficient to devalue neighboring property or seriously inconvenience neighboring inhabitants.
 - (5) Operations in connection with the proposed use will not be more unreasonably objectionable to nearby properties by reason of noise, fumes, vibrations, illumination, or other potential nuisance, than the operation of any permitted use in the particular zone, except that as to all public buildings, churches, and educational institutions the determination shall be whether the presumed benefit of such a use is outweighed by the objectionable impacts of such use on nearby properties.
 - (6) Community infrastructure and services, including, but not limited to, protective services, roadways, garbage collection, schools, and water and sewer facilities are currently, or will be, of adequate capacity to accommodate the proposed use.
 - (7) The proposed use, building design, and site layout comply with all the provisions of this chapter and, to the extent considered by the Planning Board, with other regulations and ordinances of the Town, with the Building Code and all other state and federal laws, rules and regulations, and with the Town's Comprehensive Plan.
 - (8) The proposed access and egress for all structures and uses are safely designed and the site layout provides adequate access for emergency vehicles.
 - (9) The general effect of the proposed use upon the community as a whole, including such items as traffic load upon public streets and load upon water and sewerage systems, is not detrimental to the health, safety and general welfare of the community, except that as to all public, religious and educational uses, the determination shall be whether the presumed benefit of such a use is outweighed by the detrimental effect of the proposed use upon the health, safety, and general welfare of the community.
 - (10) The lot area, access, parking, and loading facilities are sufficient for the proposed use and access, parking and loading facilities are adequately buffered to minimize their visual impact.
 - (11) Natural surface water drainage is adequately managed in accordance with good engineering practices and in accordance with any applicable Town local law or ordinance, including Chapter **156**, Stormwater Management and Erosion and Sediment Control, and existing drainageways are not altered in a manner that adversely affects other properties.
 - (12) To the extent reasonably deemed relevant by the Planning Board, the proposed use or structure complies with all the criteria applicable to site plan review set forth in this chapter.
- F. Modifications of special permit. A special permit that has been issued may be modified upon the application of the owner for such modification. Such application shall be in accordance with the provisions of this section, and the procedures applicable to such application shall be the same as are applicable to an initial application for a special permit. Notwithstanding the foregoing, no approval shall be required if the change is a modification set forth in § **212-19K**, Modifications to approved site plans, as not requiring approval of a modification to a site plan. The waiver of the requirement for approval of a modification to a special permit is subject to the same conditions, and subject to the same limitations as pertain to modifications to approved site plans.
- G. Expiration of special permit. A special permit shall be deemed to authorize only the particular use or uses specified therein. Unless otherwise specified by the Planning Board, a special permit shall automatically lapse and expire 18 months after the date the decision is filed if the applicant fails to

obtain a building permit or fails to comply with the conditions of the special permit, unless the applicant's failure to obtain a building permit is as a result of a lawsuit brought to challenge the special use permit, in which case the eighteen-month time allowed to secure a building permit shall only start to run from the date of a final decision, order or judgment of a court of competent jurisdiction upholding the validity of the special permit. A special permit shall expire if the use or uses cease for any reason for more than 12 consecutive months. A special permit may be revoked by the Planning Board if the conditions of the special permit are violated. A special permit shall run with the land and can be transferred to successive property owners, unless the permit has expired or has been revoked for failure to meet the permit conditions.

Chapter 212. Zoning

Article III. Administration

§ 212-19. Site plan review.

- A. Purpose and establishment. The purpose of this section is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure, or the natural environment. The Planning Board is hereby charged with carrying out the review and approval functions provided for in Town Law § 274-a: to review and approve, approve with modifications and conditions, or disapprove site plans.
- B. Applicability. The requirements set forth in this section shall apply to all construction, activities, uses, or developments that are referred to elsewhere in this chapter as requiring site plan approval. Before a building permit can be issued for any of the structures for which site plan review is required, a site plan must be approved by the Planning Board in accordance with these and other applicable provisions. No building permit shall be issued for any proposed improvements that would be in violation of use restrictions, required yard setbacks, lot coverage limits or any other provisions of this chapter. Any change of use of an existing structure to a use that requires site plan approval shall be subject to the requirements of this article.
- C. Procedure.
- (1) **Sketch plan conference.** The sketch plan conference with the Planning Board shall precede the submission of a detailed site plan. The purpose of the sketch plan conference is to allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally to determine the information to be required in the detailed site plan.
- (2) A sketch plan conference will be scheduled with the Planning Board, no sooner than one week after the Zoning Officer deems the sketch plan materials are complete. The applicant must submit the following materials:
- (a) Completed and signed application form, including a description of proposed project;
 - (b) Payment of all application fees, based on the most recent fee schedule adopted by the Town Board;
 - (c) Completed and signed Part I of the short environmental assessment form (SEAF) or full environmental assessment form (FEAF), whichever is required;
 - (d) Completed and signed agricultural data statement (for properties containing or within 500 feet of a farm operation located in a County-designated Agricultural District);
 - (e) Written approval from the owner to submit the sketch plan, if not the owner of the land under consideration;
 - (f) Digital and nine paper copies of the following materials:

- [1] Brief narrative and preliminary concept showing the locations and dimensions of principal and accessory buildings, parking areas, and other planned features and any anticipated changes in the existing topography and natural features;
- [2] Sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 300 feet;
- [3] Topographic or contour map to adequate scale and detail to show site topography and natural features such as unique natural areas, critical environmental areas, and all streams and wetlands or evidence of these such as hydric soils or vegetation indicative of wetlands;
- [4] Conceptual stormwater management plan consistent with local law that outlines the approach to manage runoff and its post-construction treatment on the site. A stormwater pollution prevention plan does not have to be submitted at this time.
- [5] Location of proposed septic system.
- (g) Location of all existing streams, drainageways, water bodies, wetlands and underground agricultural drain tile and piping.
- (3) At the sketch plan conference, based upon the information provided, the Planning Board will determine any and all additional information required in the application for approval of a detailed site plan, and whether a public hearing will be required. By the conclusion of the next regularly scheduled meeting after the completion of the sketch plan conference, the Chair of the Planning Board shall provide, in writing, a detailed list of necessary materials to be included in an application for a detailed site plan.
- (4) At the completion of the sketch plan conference, the Planning Board will determine which of the following public notices will be required:
 - (a) Signage provided by the Zoning Officer to be posted at the site by the applicant in a manner that is readily visible to the public from the nearest adjacent public road at least 10 days prior to subsequent review of the site plan materials;
 - (b) Notice of site plan review (or public hearing) to be mailed to the owners of record as of the last filed assessment roll within 500 feet of the subject property at least five days prior to the date of the meeting; or
 - (c) Notice of public hearing (see § 212-19E below).
- (5) The Planning Board may, in appropriate cases, waive further site plan review based upon the information provided in the sketch plan after review of the same.
- (6) Detailed site plan materials shall be reviewed by the Zoning Officer in order to determine completeness. When deemed complete, the Zoning Officer will schedule a site plan review meeting and public hearing, if required by the Planning Board.
- (7) The applicant shall supply all necessary materials for site plan review, including digital and paper copies of plans as required by the Zoning Officer.

D. Site plan information required.

- (1) At or following the sketch plan conference, the Planning Board may request that the applicant provide more information, including, but not limited to, any or all of the items from the following list. In determining the information it will require, the Board may consider the type of use, its location, and the size and potential impact of the project.
- (2) Site plan checklist:
 - (a) Names and addresses of all owners of record.

- (b) A detailed site plan showing all integral elements within 300 feet of the proposed project site, including, but not limited to:
 - [1] Property lines for the site, including metes and bounds;
 - [2] Locations of adjacent public and private streets and highways;
 - [3] Approximate size and locations of all existing and proposed buildings and structures, including locations of access drives, parking and pedestrian facilities, and off-street loading facilities;
 - [4] Existing vegetation and proposed landscaping;
 - [5] Existing and proposed overhead and underground utilities;
 - [6] Location and design of all water and sewerage facilities;
 - [7] Location of all existing streams or drainageways, water bodies, wetlands, and drain tile (if available);
 - [8] Elevation plans at an appropriate scale for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features;
 - [9] Proposed exterior lighting; and
 - [10] Number of parking spaces existing and required for all intended uses.
- (c) Stormwater pollution prevention plan, as required by local law.
- (d) Site topography showing contours at an interval appropriate for the site. A two-foot interval is recommended.
- (e) For all uses except single- and two-family residences:
 - [1] Proposed sign(s), including size, height and location;
 - [2] Area of building to be used for a particular use, such as retail operations, office storage, etc.;
 - [3] Maximum number of employees;
 - [4] Maximum seating capacity, where applicable; and
 - [5] Estimated type and volume of traffic.
- (3) In addition to the above, the Planning Board may require other information related to the proposal, including, but not limited to:
 - (a) A detailed traffic study for large developments or developments in heavy traffic areas, to include:
 - [1] The number of motor vehicle trips projected to enter or leave the site, estimated daily and peak-hour traffic levels;
 - [2] The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - [3] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities (existing and proposed daily and peak-hour traffic levels as well as road capacity levels shall also be given).
 - (b) A historical and cultural resources study completed to standards set forth by the State Historic Preservation Office.

E. Action on site plan review application; site inspections. The Planning Board (individually or as a group), and any such persons as they may designate, may conduct such examinations, tests, and other inspections of the site deemed necessary and appropriate.

(1) Public hearing.

- (a) The Planning Board may hold a public hearing, which shall be conducted within 62 days from the day the site plan materials are deemed complete by the Zoning Officer;
- (b) In determining whether a public hearing is necessary, the Board shall be guided by the expected level of public interest in the project;
- (c) Applicants may request a public hearing. When an applicant requests a public hearing, no site plan review may be disapproved without such a hearing;
- (d) The applicant shall be informed of the public hearing date by the Zoning Officer at least 10 days before said hearing;
- (e) Notice of the public hearing shall be advertised in the official newspaper at least five days prior to the date of said public hearing, and the applicant shall be billed by the official newspaper; and
- (f) Notice of the public hearing shall be mailed to the owners of record as of the last filed assessment roll within 500 feet of the subject property at least five days prior to the public hearing.

(2) Review criteria. The Planning Board's review of the site plan shall include, but is not limited to, the following considerations:

- (a) Location, size, and design of proposed buildings, landscaping, lighting, open spaces and buffers, and outdoor waste facilities;
- (b) Location and adequacy of vehicular access and circulation, including intersections, road widths, pavement surfaces, off-street parking and loading areas, and traffic controls;
- (c) Location and adequacy of pedestrian and bicycle facilities and appropriate provisions for persons with disabilities;
- (d) Potential effect of the proposed development on environmentally sensitive features within the site, such as stream courses, steep slope areas, mature woodlands, wetlands, and other bodies of water;
- (e) In the case of multiple residence site plans, location and adequacy of any proposed open space and recreational facilities;
- (f) Protection of adjacent neighboring properties from any undue disturbance, such as may be caused by excessive or unreasonable noise, glare, vapors, smoke, fumes, dust, or odors;
- (g) Adequacy of stormwater and drainage facilities;
- (h) Adequacy of water supply and sewage disposal facilities;
- (i) Adequacy of the site layout for beneficial coordination with adjacent properties with respect to pedestrian and vehicular traffic, recreational, space and undeveloped or open space; and
- (j) Compliance with this chapter and any other applicable Town rules and regulations and policies.

(3) Approval criteria.

- (a) No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this and other ordinances.
- (b) The project shall be sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property. In areas where agriculture is permitted use, the project should not have a significant adverse impact upon the agricultural use of neighboring properties.
- (c) The project shall promote building design that responds to the surrounding neighborhood and demonstrates respect for surrounding historic resources, while allowing for a diversity of architectural styles and original and distinctive design approaches.
- (d) The project shall ensure safe and efficient access for all site users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles, as applicable.
- (e) The project shall be located, designed, and/or managed to meet its anticipated travel demand, and shall include reasonable efforts to minimize single-occupancy vehicle trips, reduce vehicle miles travelled, and promote transportation alternatives.
- (f) The project shall provide for the adequate protection of significant natural, cultural, heritage, and scenic assets on or near the site.
- (g) The project contributes to existing pedestrian-oriented rights-of-way in relation to the public realm and streetscape.
- (h) The project shall utilize plant materials that are capable of withstanding the climatic conditions of Ulysses and the microclimate of the site, and shall be planted so as to maximize prospects for healthy growth.
- (i) The project shall make for the most efficient use of land and municipal services, utilities, and infrastructure.
- (j) Buildings should be oriented to maximize the ability for passive and active solar collection.
- (k) Roofs should be structurally capable of supporting solar collectors.
- (l) Buildings should not impede solar access of neighboring parcels.
- (m) The Planning Board shall make a decision on the site plan within 62 days after the public hearing, or 62 days after the site plan application materials are received and deemed complete if no hearing is required. The time within which the Planning Board must render its decision may be extended by mutual consent in writing of the applicant and the Planning Board. The decision of the Planning Board shall be filed in the Town Clerk's office within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

F. Consultation on proposed site plan.

- (1) At its sole discretion, the Planning Board may consult with agencies or individuals, including, but not limited to, the Zoning Officer, Fire Commissioners, Agriculture Committee, Conservation and Sustainability Advisory Committee, Commissioner of Public Works, other local and county officials, in addition to representatives of federal and state agencies, including the USDA Natural Resource Conservation Service, Tompkins County Soil and Water Conservation District, the State Department of Transportation, and the State Department of Environmental Conservation.
- (2) Consultation where fees are involved requires approval by the Town Board. These fees shall be borne by the applicant.

G. Submission of final detailed site plan.

- (1) After receiving approval, with or without conditions, from the Planning Board on a site plan, the applicant shall submit a final, detailed site plan to the Zoning Officer for verification before a building permit will be issued.
 - (2) If more than 12 months has elapsed between the time of the Planning Board's decision on the proposed site plan and the submission of the final detailed site plan, the Planning Board may require a resubmission of the proposal.
- H. Waiver of requirements for site plan approval. When considering a proposed site plan, whether it is a sketch plan, preliminary site plan or final site plan, the Planning Board may waive one or more items or design details of the plan that are otherwise normally required under Article III, § 212-19D, to be shown on the plan, if in its discretion it determines that the lack of such information is not a hindrance to its consideration of the proposed site plan.
- I. Performance guarantee.
- (1) The Zoning Officer shall be responsible for the overall inspection of site improvements, including coordination with Highway Department officials and other officials and agencies as appropriate.
 - (2) Prior to the issuance of a certificate of occupancy and/or site plan compliance certificate, the applicant shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.
 - (3) In the instance when all improvements shown on the approved site plan are not yet completed, a certificate of occupancy and/or site plan compliance certificate may be issued upon:
 - (a) Deposit by the applicant with the Town Clerk of a certified check in an amount set by the Planning Board to cover the full cost of the required improvements, where costs are determined or verified by a consultant hired by the Planning Board; or
 - (b) Filing by the applicant with the Town Clerk of a performance bond to cover the full cost of the required improvements, where costs are determined by a contractor hired by the Planning Board. Any such bond shall comply with the requirements of § 274-a of the Town Law and, further, shall be satisfactory to the Town Board and Attorney for the Town as to form, sufficiency, manner of execution, and surety. A period of one year, or such other period as the Planning Board may determine appropriate, not to exceed three years, within which required improvements must be completed shall be set forth in the bond.
- J. Reservation of parkland on site plans containing residential units. If the proposed project includes dwelling units, the Planning Board may, in accordance with the provisions and requirements of Town Law § 274-a or any similar or successor law, require a park or parks suitably located for playground or other recreational purposes to be shown on the site plan or, to the extent permitted by § 274-a, monies in lieu of parkland.
- K. Modifications to approved site plans.
- (1) If at any time subsequent to the approval of a final site plan by the Planning Board an applicant or property owner desires to modify the site plan as approved, an application with the revised site plan shall be submitted to the Planning Board for its consideration of approval. The Planning Board may hold a public hearing on said application of the proposed site plan, and impose any conditions, modifications or additional requirements upon the approval as it may determine appropriate in the furtherance of this chapter and the Ulysses Comprehensive Plan.
 - (2) Such modification may be made without resubmittal and approval by the Planning Board, upon receipt of a building permit, if it:
 - (a) Does not involve a violation of any conditions imposed by the Planning Board in its original grant of final site plan approval;

- (b) Does not involve the shift of the location of one or more buildings or structures a distance exceeding 10 feet in any one direction from the location shown on the final site plan as approved; provided, however, that such a shift does not result in an encroachment on any required yard setback or buffer area;
 - (c) Does not alter the location of any proposed points of ingress into or egress from the site, or proposed traffic flow within the site;
 - (d) Involves the construction of or alteration to less than 500 square feet of interior space, or construction which results in the increase in the amount of square feet of an existing building by less than 10%, whichever is less;
 - (e) Involves the construction, alterations or renovations to the exterior of a building without any change in building footprint, provided said alterations do not affect the size and locations of windows or doorways, or are changes necessitated by New York State Fire Prevention Code and Building Construction Code or its successors;
 - (f) Involves the construction of or relocation of three or fewer parking spaces;
 - (g) Involves the installation of any below- or aboveground utilities; and
 - (h) Is reviewed and approved by the Zoning Officer and Planning Board Chair.
- L. Expiration of site plan approval. Unless otherwise specified by the Planning Board, site plan approval shall automatically lapse and expire 18 months after the date the decision is filed with the Town Clerk if the applicant fails to obtain a building permit or fails to comply with the conditions of the site plan approval.
- M. Streamlined site plan checklist for farm operations in a Tompkins County-adopted, State-certified Agricultural District:
- (1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or sewer systems, drain tiles and systems, and the approximate location of all existing structures on or immediately adjacent to the site.
 - (2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, and manure storage/manure composting sites and animal waste storage facilities.
 - (3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
 - (4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
 - (5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
 - (6) Application form and fee.

Chapter 212. Zoning

Article IX. CZ — Conservation Zone

[Amended 8-11-2020 by L.L. No. 1-2020]

§ 212-50. Purpose.

A. The purposes of the Conservation Zone are:

- (1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);
- (2) To provide a regulatory framework through which development can occur with minimal environmental impact;
- (3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and
- (4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.

B. In particular, the following are important aspects or considerations for the Conservation Zone:

- (1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.
- (2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
- (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).

C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-51. Permitted uses.

Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:

- A. Farm operation.
- B. One single-family residence and accessory buildings.
- C. One two-family residence and accessory buildings.
- D. (Reserved)
- E. Any municipal or public utility necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.
- F. Major solar collection system subject to the provisions of Article **XX**, § **212-139.2**.

§ 212-52. Permitted accessory uses.

- A. Only the following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-51**:
 - (1) Accessory buildings, as defined in Article **IV** and subject to the provisions of Article **XXIV**, § **212-167**, Accessory building.
 - (2) Accessory dwelling unit, subject to the provision of Article **XX**, § **212-128**.
 - (3) Adult care, family.
 - (4) Bed-and-breakfast establishments.
 - (5) Child care, family.
 - (6) Elder cottage, subject to the provisions of Article **XX**, § **212-139.5**.
 - (7) Professional offices where such office is part of the residence property and no more than three persons residing off the premises are employed on site.
 - (8) Roadside stands, subject to the provisions of Article **XX**, § **212-135**.
 - (9) Temporary building, as defined in Article **IV**.
 - (10) Minor solar collection system subject to the provisions of Article **XX**, § **212-139.1**.
- B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.
- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this Article **X**, § **212-51**.
 - (1) Signs as regulated under Article **XX**, § **212-122**.
 - (2) Home occupation where no more than one person residing off the premises is employed.

§ 212-53. Uses allowed by special permit.

The following uses are allowed upon approval pursuant to Article **III**, § **212-18**, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

- A. Museums and nature centers.
- B. Public and private community parks, regional parks and preserves.
- C. Residential care/assisted living.

- D. **Restaurants.**
- E. Bicycle/ski rental business.

§ 212-54. Lot area and yard requirements.

- A. There shall be no more than one principal building on any lot in the CZ-Conservation Zone.
- B. Minimum lot area for one principal building shall be five acres.
- C. Minimum lot width at front lot line shall be 400 feet.
- D. Minimum lot depth shall be 450 feet.
- E. Minimum front yard setback shall be 75 feet.
- F. Minimum side yard setback shall be 50 feet.
- G. Minimum rear yard setback 50 feet.
- H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.
- I. The maximum footprint of a building shall be 3,500 square feet, except accessory dwelling units which are limited to 1,200 square feet floor area (§ 212-128).
- J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.
- K. Flag lots are permitted, subject to the standards set forth in Article XX, § 212-130.
- L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article XX, § 212-135), and a garage may be attached to the front of a house.
- M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

§ 212-55. Design standards.

In the event of any conflict between the provisions of this § 212-55 and other provisions of this chapter, the provisions of this section shall prevail.

- A. Stream and wetland setbacks.
 - (1) Perennial and intermittent streams and wetlands are prominent features of the Conservation Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and the fauna that depend on the water for sustenance. As such, it is the intent of these Conservation Zone regulations to ensure the continued preservation and health of these many Cayuga Lake water resources for current and future generations. (See § 212-124, Standards for buffer areas.)
 - (2) For the purposes of this section, wetlands are defined by both state, federal and local governing regulations. Buffer areas apply to federal and locally protected wetlands greater than 0.1 acre and all state wetlands.
 - (3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall be located within the following buffer areas: 50 linear feet of the bank of any perennial or intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to 50% should the Planning Board determine that such an increase is necessary to protect water quality or to minimize the impacts of erosion and sedimentation.

- (4) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine the exact boundaries and to evaluate potential impacts of development on said wetland.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town.
- (2) The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.
- (3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
 - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
 - (b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
 - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
 - (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.
- (5) Recommendations.
 - (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
 - (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
 - (c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to protect water resources.
 - (d) Retain existing stone walls.
 - (e) Removal of trees for the purpose of expanding a view is discouraged.
 - (f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
 - (g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.

- (h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
- (i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to provide wildlife habitat for both birds and animals.
- (k) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (l) Regrading should blend in with the natural contours and undulations of the land.
- (m) Siting of buildings should be below ridgelines or hilltops.
- (n) Where possible, buildings and structures should be located on the edges of open fields to minimize visual impacts.
- (o) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (p) Building design should harmonize with the natural setting.
- (q) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

C. Stormwater.

- (1) In unique natural areas and/or steep slope overlay areas that are subject to site plan review, the following standards apply.
- (2) Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
- (3) Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
- (4) Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
- (5) The Planning Board may require the developer or property owner to submit the following:
 - (a) Stormwater Pollution Prevention Plan (SWPPP), prepared by a N.Y. State licensed engineer or other qualified professional. The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
 - (b) A statement of the proposed stormwater management objectives.
 - (c) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development

conditions. This will include appropriate plans, design data, calculations, and other information.

- (d) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Stormwater management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.
 - (e) A flood hazard analysis for any development located within or adjacent to the designated floodplain.
- D. Soil and sediment control. The goals for erosion and sediment control are 1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and 2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices.
- (1) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a unique natural area or steep slope overlay area, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124B**.
 - (2) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.
 - (3) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
 - (4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
 - (5) In unique natural areas and/or steep slope overlay areas that are subject to site plan review, the following standards apply:
 - (a) The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
 - (b) Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
 - (c) The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.

- (d) The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
- (e) Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site (This will also minimize erosion and sediment control costs.).
- (f) Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
- (g) The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

E. Driveways and parking.

(1) Requirements.

- (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
- (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto roads.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

F. Limitations on subdivision of parent tracts.

- (1) Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

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PREVIOUS	UP	NEXT
SECTION 273	ARTICLE 16	SECTION 274-B
Official map, changes	Zoning and Planning	Approval of special use permits
(/legislation/laws/TWN/273)	(/legislation/laws/TWN/A16)	(/legislation/laws/TWN/274-B)

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SECTION 274-A

Site plan review

Town (TWN) CHAPTER 62, ARTICLE 16

§ 274-a. Site plan review. 1. Definition of site plan. As used in this section the term "site plan" shall mean a rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in the applicable zoning ordinance or local law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites which are subject to review pursuant to authority provided for the review of subdivisions under section two hundred seventy-six of this article shall

continue to be subject to such review and shall not be subject to review as site plans under this section.

2. Approval of site plans. (a) The town board may, as part of a zoning ordinance or local law adopted pursuant to this article or other enabling law, authorize the planning board or such other administrative body that it shall so designate, to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in the ordinance or local law and/or in regulations of such authorized board. Site plans shall show the arrangement, layout and design of the proposed use of the land on said plan. The ordinance or local law shall specify the land uses that require site plan approval and the elements to be included on plans submitted for approval. The required site plan elements which are included in the zoning ordinance or local law may include, where appropriate, those related to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as any additional elements specified by the town board in such zoning ordinance or local law.

(b) When an authorization to approve site plans is granted by the town board pursuant to this section, the terms thereof may condition the issuance of a building permit upon such approval.

3. Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

4. Conditions attached to the approval of site plans. The authorized

board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the town.

5. Waiver of requirements. The town board may further empower the authorized board to, when reasonable, waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the ordinance or local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.

6. Reservation of parkland on site plans containing residential units.
(a) Before such authorized board may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.

(b) Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular site plan will contribute.

(c) In the event the authorized board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for

playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the authorized board may require a sum of money in lieu thereof to be established by the town board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the authorized board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.

(d) Notwithstanding the foregoing provisions of this subdivision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to section two hundred seventy-six of this article, the authorized board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

7. Performance bond or other security. As an alternative to the installation of required infrastructure and improvements, prior to approval by the authorized board, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the authorized board or a town department designated by the authorized board to make such estimate, where such departmental estimate is deemed acceptable by the authorized board, shall be furnished to the town by the owner. Such security shall be provided to the town pursuant to the provisions of subdivision nine of section two hundred seventy-seven of this article.

8. Public hearing and decision on site plans. In the event a public hearing is required by ordinance or local law adopted by the town board, the authorized board shall conduct a public hearing within sixty-two days from the day an application is received on any matter referred to it under this section. The authorized board shall mail notice of said hearing to the applicant at least ten days before said hearing and shall give public notice of said hearing in a newspaper of general circulation in the town at least five days prior to the date thereof and shall make a decision on the application within sixty-two days after such hearing, or after the day the application is received if no hearing has been held. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and such board. The decision of the authorized board shall be filed in the office of the town clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

9. Notice to county planning board or agency or regional planning council. At least ten days before such hearing, the authorized board shall mail notices thereof to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law. In the event a public hearing is not required, such proposed action shall be referred before final action is taken thereon.

10. Compliance with state environmental quality review act. The authorized board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

11. Court review. Any person aggrieved by a decision of the authorized

board or any officer, department, board or bureau of the town may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceedings shall be instituted within thirty days after the filing of a decision by such board in the office of the town clerk. The court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The court shall itself dispose of the matter on the merits, determining all questions which may be presented for determination.

12. Costs. Costs shall not be allowed against the authorized board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

13. Preference. All issues addressed by the court in any proceeding under this section shall have preference over all civil actions and proceedings.

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> [CHAPTER 62 Town \(/legislation/laws/TWN/-CH62\)](/legislation/laws/TWN/-CH62) > [ARTICLE 16 Zoning and Planning \(/legislation/laws/TWN/A16\)](/legislation/laws/TWN/A16)

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PREVIOUS	ARTICLE 16	NEXT
SECTION 274-A	Zoning and Planning	SECTION 276
Site plan review	(/legislation/laws/TWN/A16)	Subdivision review; approval of plats;
(/legislation/laws/TWN/274-A)		development of filed plats
		(/legislation/laws/TWN/276)

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SECTION 274-B

Approval of special use permits

Town (TWN) CHAPTER 62, ARTICLE 16

§ 274-b. Approval of special use permits. 1. Definition of special use permit. As used in this section the term "special use permit" shall mean an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

2. Approval of special use permits. The town board may, as part of a zoning ordinance or local law adopted pursuant to this article or other enabling law, authorize the planning board or such other administrative body that it shall designate to grant special use permits as set forth in such zoning ordinance or local law.

3. Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

4. Conditions attached to the issuance of special use permits. The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the town.

5. Waiver of requirements. The town board may further empower the authorized board to, when reasonable, waive any requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the ordinance or local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

6. Public hearing and decision on special use permits. The authorized

board shall conduct a public hearing within sixty-two days from the day

an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five days prior to the date thereof. The authorized board shall decide upon the application within sixty-two days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the town clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

7. Notice to applicant and county planning board or agency or regional planning council. At least ten days before such hearing, the authorized board shall mail notices thereof to the applicant and to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

8. Compliance with state environmental quality review act. The authorized board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

9. Court review. Any person aggrieved by a decision of the planning board or such other designated body or any officer, department, board or bureau of the town may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceedings shall be instituted within thirty days after the filing of a decision by such board in the office of the town clerk. The court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law. It shall appear that testimony is necessary for the proper

disposition of the matter. The court shall itself dispose of the matter on the merits, determining all questions which may be presented for determination.

10. Costs. Costs shall not be allowed against the planning board or other administrative body designated by the town board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

11. Preference. All issues addressed by the court in any proceeding under this section shall have preference over all civil actions and proceedings.

Site Plan Checklist Draft

- Names and addresses of all owners of record.
- A detailed site plan showing all integral elements within 300 feet of the proposed project site, including, but not limited to:
 - Property lines for the site, including metes and bounds;
 - Locations of adjacent public and private streets and highways;
 - Approximate size and locations of all existing and proposed buildings and structures, including locations of access drives, parking and pedestrian facilities, and off-street loading facilities;
 - Existing vegetation and proposed landscaping;
 - Existing and proposed overhead and underground utilities;
 - Location and design of all water and sewerage facilities;
 - Location of all existing streams or drainage ways, water bodies, wetlands, and drain tile (if available);
 - Elevation plans at an appropriate scale for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features;
 - Proposed exterior lighting; and
 - Number of parking spaces existing and required for all intended uses.
- Stormwater pollution prevention plan.
- Site topography showing contours at an interval appropriate for the site. A two-foot interval is recommended.
- For all uses except single- and two-family residences:
 - Proposed sign(s), including size, height and location;
 - Area of building to be used for a particular use, such as retail operations, office storage, etc.;
 - Maximum number of employees;
 - Maximum seating capacity, where applicable; and
 - Estimated type and volume of traffic.

In addition to the above, the Planning Board may require other information related to the proposal, including, but not limited to:

- A detailed traffic study for large developments or developments in heavy traffic areas, to include:
 - The number of motor vehicle trips projected to enter or leave the site, estimated daily and peak-hour traffic levels;
 - The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities (existing and proposed daily and peak-hour traffic levels as well as road capacity levels shall also be given).
- A historical and cultural resources study completed to standards set forth by the State Historic Preservation Office.