

**Planning Board
Zoom Hybrid Meeting
Meeting Minutes
March 7, 2023
Approved: April 4, 2023**

Board Members Present: Linda Liddle, Morris Klein, and Rebecca Schneider.
Board Members Present Online: Chair Pete Angie
Board Members Absent: Elisabeth Garner
Quorum Present

Others Present:

Town Board Members: Michael Boggs
Town Staff: Town Planner Niels Tygesen, Mollie Duell
Members of the Public: Katrina Morse, Kristin Savard, Ivan Garcia, Drew Engelhart, Kim Engelhart, Brad Walworth, Jan Brath, Hayden Brainard, Bret Seafuse; Via zoom: Marc Magnus Sharpe, Karen Benjamin

Proceedings

Chair Pete Angie called the meeting to order at 7:09 PM at Town Hall.

Approval of Agenda

Motion: Schneider made a motion to approve the agenda with an amendment to postpone review of Operational Items, due to the number of projects under review.

Vote: Linda Liddle, aye; Morris Klein, aye; Rebecca Schneider, aye; and Chair Pete Angie, aye.

Motion Carried.

Meeting Minutes (February 7th)

Motion: Klein made a motion to postpone the approval of the February 7th meeting minutes until they have been reviewed by all members of the Board.

Vote: Linda Liddle, aye; Rebecca Schneider, aye; Morris Klein, aye; and Chair Pete Angie, aye.

Motion Carried.

Privilege of the Floor

The Board was not addressed by any member of the public pertaining items not on the agenda.

Old Business Items

Shursave Subdivision

Motion: Klein made a motion to accept the application.

Vote: Rebecca Schneider, aye; Linda Liddle, aye; Morris Klein, aye; and Chair Pete Angie, aye.

Motion Carried.

The applicant is proposing to subdivide the existing 11.85-acre lot, located at 2081-2085 Trumansburg Road, parcel 13.-3-2, into two lots: Parcel A approximately 8.59 acres and Parcel B, approximately 3.26 acres. The subject site is zoned B1: Business Zone, which has no minimum required lot area, width, or depth per Ulysses Town Code 212-92.

Hayden Brainard, attorney representing the applicant, noted the eastern, vacant part of the parcel will be divided from the developed portion of the lot. Brainard stated that nothing had changed since the Board previously reviewed the proposal.

Angie opened the floor to the public for any questions or comments.

Boggs asked if the smaller lot size would affect the septic area currently existing on the parcel and if the Health Department was consulted. Brainard noted that the Health Department had not been consulted, but the proposed division line was determined based on the location of the system, previous modifications, and Health Department setback requirements.

Motion: Schneider made a motion to close the public hearing.

Vote: Linda Liddle, aye; Morris Klein, aye; Rebecca Schneider, aye; and Chair Pete Angie, aye.

Motion Carried.

Angie noted that the town Planning Board was recommending a negative determination of environmental significance. Schneider reminded the Board and the applicants that the septic issue was not considered previously and would need to be reviewed.

The property owner stated that there are 4 different leech fields. The septic system was refurbished approximately 10 years ago and approved by the Health Department at that time. Brainard explained that the surveyor had determined the division lines based on the locations of the leech fields.

Discussion ensued on setback requirements by the Health Department.

Discussed ensued on the first resolution for SEQR determination.

Planning Board Resolution No. 2023-001

A Resolution of SEQR Determination for the Shursave 2 Subdivision Located at 2081-2085 Trumansburg Road, Town of Ulysses, Tax Parcel 13.-3-2

WHEREAS, the Planning Board finds the following:

1. The proposed action is in consideration of a minor subdivision of a parcel located at 2081-2085 Trumansburg Road, Town of Ulysses, Tax Parcel 13.-3-2, zoned B1 Business; and
2. The existing parcel of 11.85 acres will be subdivided into two lots; Parcel 'A' will be 8.59 acres, and Parcel 'B' will be 3.26 acres with no development proposed at this time; and

3. The proposal is an Unlisted Action under SEQR for which the Town of Ulysses Planning Board is the lead agency in the environmental review; and
4. The Planning Board on March 7, 2023, has reviewed and accepted as adequate a subdivision map entitled "Final Plat No. 2085 N.Y.S. RTE. 96 Town of Ulysses Tompkins County New York", prepared by Robert S. Russler Jr., dated July 17, 2013, resurveyed June 17, 2014 and March 21, 2022, and other application materials; and
5. The proposal should not negatively impact the character of the neighborhood or the B1 zone; and
6. The proposal should have minimal impacts to traffic along Trumansburg Road; and
7. The proposal should not negatively impact natural or water resources; and
8. Town planning staff has recommended a negative determination of environmental significance with respect to the proposed Subdivision Approval.

NOW, THEREFORE, THE PLANNING BOARD RESOLVES THE FOLLOWING:

That the Town of Ulysses Planning Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced action as proposed, based on the information in the Short Environmental Assessment Form, and, therefore, an Environmental Impact Statement will not be required.

Motion: Schneider made a motion to approve Resolution 2023-001.

Vote: Linda Liddle, aye; Morris Klein, aye; Rebecca Schneider, aye; and Chair Pete Angie, aye.

Motion Carried.

Discussed ensued on the second resolution to approve the subdivision.

Planning Board Resolution No. 2023-002

A Resolution of Final Subdivision Approval of the Shursave 2 Subdivision Located at 2081-2085 Trumansburg Road, Town of Ulysses, Tax Parcel 13.-3-2

WHEREAS, the Planning Board finds the following:

1. The proposed action is in consideration of a minor subdivision of a parcel located at 2081-2085 Trumansburg Road, Town of Ulysses, Tax Parcel 13.-3-2, zoned B1 Business; and

2. The existing parcel of 11.85 acres will be subdivided into two lots; Parcel 'A' will be 8.59 acres, and Parcel 'B' will be 3.26 acres with no development proposed at this time; and
3. This is an Unlisted Action for which the Town of Ulysses Planning Board, as lead agency in the environmental review with respect to the project, has on March 7, 2023, made a negative determination of environmental significance, after having reviewed and accepted as adequate a Short Environmental Assessment Form; and
4. The Planning Board on March 7, 2023, has reviewed and accepted as adequate a subdivision map entitled "Final Plat No. 2085 N.Y.S. RTE. 96 Town of Ulysses Tompkins County New York", prepared by Robert S. Russler Jr., dated July 17, 2013, resurveyed June 17, 2014 and March 21, 2022, and other application materials.

NOW, THEREFORE, THE PLANNING BOARD RESOLVES THE FOLLOWING:

The Planning Board hereby grants Final Subdivision Approval for the proposed minor subdivision as described above, and as shown on the subdivision map noted above, subject to the following condition:

1. Documentation shall be submitted that verifies the existing septic system conforms to Tompkins County Whole Health's setback requirements in relation to the proposed lot line.

Motion: Klein made a motion to approve Resolution 2023-002.

Vote: Linda Liddle, aye; Rebecca Schneider, aye; Morris Klein, aye; and Chair Pete Angie, aye.

Motion Carried.

New Business

Angelhearts Sketch Plan Review

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

Brath stated that the property has always been commercial. The owners plan to rehabilitate the existing structure, as well as build a 1250sf addition to be used as a commercial kitchen in the rear. Other plans include removing existing outbuildings, creating an outdoor dining space, paving a new parking lot and pedestrian walkways, and providing bike facilities to

accommodate the nearby Black Diamond trail.

Discussion ensued on the steep slope in the rear of the property, and if a retaining wall would be required upon digging into the slope, as this is not included in the diagrams. Groundwater seepage is a concern. The leech field is in the hill on the property, and material will need to be removed.

Brath noted that the water concerns are being taken into account, and the developers are still in the early stages of engineering a system to appropriately manage water flow and prevent flooding. Using porous pavements to improve drainage are also being considered.

Discussion ensued on the wells on the property, two wells currently exist, and a third is expected to be required.

Discussion ensued on tragic ingress and egress due to safety concerns on Route 89, including speeding traffic and blind spots. Brath explained that the developers are planning a one-way ingress from Route 89 due to safety and traffic.

Discussion ensued on the gorge on the south side of the property, and on proposed external lighting. Brath noted dark sky compliant lighting was being considered, and the business would not be open late.

The board asked for additional materials from the applicant, including an updated site plan map with any wells, plans for digging into the slope and constructing a retaining wall, and a map that includes elevation information.

Tree removal was briefly discussed, and Brath explained the developers are will keep as many trees as possible. Most trees planned for removal will be ash.

Tygesen explained that a variance was not required as the use is permitted through site plan approval and the proposed expansion is permitted as it will not further increase any building or development standard nonconformity.

Benjamin Subdivision

Katrina Morse applied for a minor subdivision on behalf of Karen Benjamin, the property owner of the site located at 4190 Dubois Road (parcel 27.-3-12.2). The applicant proposes to subdivide the existing 15.07-acre lot into two lots; Parcel A2, approximately 12.64 acres, which will retain the existing house and site improvements, and the parcel A1, approximately 2.42 acres, which will be vacant with a proposed new detached residential dwelling unit. The subject site is zoned A/R: Agricultural/Rural Zone. The A/R zone requires a minimum lot area of 2 acres, 200 feet of lot depth, and 400 ft of lot width at the front property line per Ulysses Town Code (UTC)212-29. Flag lots are permitted in the A/R zone per UTC 212-29.M subject to the standards listed in UTC 212-130. The proposal is considered an unlisted action under SEQR for which the Board will act as the lead agency.

Discussion ensued on the proposal and the proceedings for meetings and hearings regarding subdivisions. No additional materials were requested from the applicant.

Motion: Klein made a motion to schedule a public hearing for March 21, 2023.

Vote: Linda Liddle, aye; Rebecca Schneider, aye; Morris Klein, aye; and Chair Pete Angie, aye.

Motion carried.

Magnus Sharpe Minor Subdivision

The applicant and property owner, Marc and Sharon Magnus-Sharpe, applied for a minor subdivision for the subject site located at 5221 Cold Springs 21.-1-4.22. The applicant proposes to subdivide the existing 31.27-acre lot into two lots; one parcel approximately 12.52 acres in area will retain the existing house and site improvements, and the second parcel approximately 18.75 acres in area will be vacant. The subject site is zoned A/R: Agricultural/Rural Zone. The A/R zone requires a minimum lot area of 2 acres, 200 feet of lot depth, and 400 feet of lot width at the front property line per Ulysses Town Code (UTC) 212-29. Flag lots are permitted in the A/R zone per UTC 212-29.M subject to the standards listed in UTC 212-130. The second proposed parcel comprising 12.52 acres, may be considered nonconforming as delineated, and may need an area variance from the Board of Zoning Appeals. If the applicant requests an area variance, the Planning Board may provide a written recommendation to the BZA. The proposal is considered an unlisted action under SEQR for which the Board will act as the lead agency.

Discussed ensued on the 400 ft. regulation, and noted the lot appears to be non-conforming, and may need to be determined by the BZA.

Discussion ensued on previous subdivisions of the property and if the current owners had been involved. Magnus-Sharpe explained they have only owned the 31-acre property since 2014 and have not made any changes. Magnus-Sharpe would like to make a 62 ft. wide strip of land that connects the parcel they plan to keep to the road. The minimum width required is 50 ft. There are no current plans to develop the proposed vacant site, but the owners are considering developing a home in the future. Magnus-Sharpe confirmed the land is not currently being used for any agricultural purpose.

Tygesen interpreted the lot as a legal non-conforming lot, which would not require approval from the BZA but would confirm with Legal.

Cayuga Addiction Recovery Center – Women’s Center Addition

The applicant and property owner, Ithaca Alpha House Center, Inc., applied for a sketch plan review for the subject site located at 6621 Route 227 Trumansburg parcel 22-.2-4, and parcel 10.00-1-25.2 located within the Town of Hector. The applicant proposes to construct a new two-story detached building, approximately 13,385 gross square feet, for use as a 25 bed

facility associated with the existing Cayuga Addiction Recovery Services on-site. The subject site is zoned A/R: Agricultural/Rural Zone, which permits rehabilitation facilities subject to a special permit and site plan review per Ulysses Town Code (UTC) 212-52.D. The proposal is considered a Type I action under SEQR per Title 6 of the Codes, Rules, and Regulations of New York (CRR-NY) 617.4.b.8.

Kristen Savard, owner of Advanced Design Group, summarized the previous meeting in which the site plan was discussed. The previous approved variance by the BZA is still valid, but the previous site plan approval by the Planning Board has expired. Design plans have changed due to rising development costs. Ivan Garcia has joined the project as the new architect.

Savard also noted that two potential area variances may be required from the BZA, but they were not discussed.

Savard continued to explain the changes in plans. Some adjustments have been made due to building code issues. Planned parking has been downsized, and the building is planned to be slightly smaller. The 500-year storm requirement has been met by eliminating the parking lot.

Discussion ensued regarding water demand at the existing facility. Savard stated a new pump station had been installed and is functioning, which will connect to the new building.

Discussion ensued on the Environmental Assessment form and noted some information had not yet been completely filled out would be required for the next meeting. A request for the previous approved plan set was made.

Savard explained the abandoned septic system, located mainly under the parking lot, is no longer used and the space will be transitioned into a bio-retention area where possible.

Motion: Schneider made a motion to identify the Planning Board as Lead Agency.

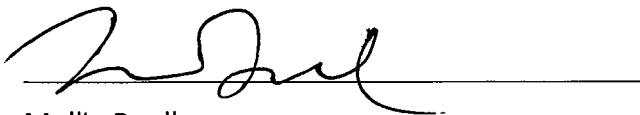
Vote: Morris Klein, aye; Linda Liddle, aye; Rebecca Schneider, aye; and Chair Pete Angie, aye.

Motion carried.

Town Liaison Report

Michael Boggs, town liaison had no further information to report.

ADJOURNED 8:15 PM



Mollie Duell
Planning Board Secretary