



## Planning Board

### Zoom Hybrid Meeting

### Meeting Minutes

April 16, 2024

Approved: May 7, 2024

**Board Members Present:** Chair Pete Angie, Rebecca Schneider, Mo Klein, Linda Liddle, Bart Gragg, Karl Klankowski

#### **Quorum Present**

**Applicants Present:** Kim Moore, Bryon Moore, Joe Nieuwendyk, Ed Crossmore, Deena Crossmore, Andy Sciarabba, Lee Dresser, Karen Bartishevich, Ben Bartishevich

**Town Staff Present:** Niels Tygesen, Mollie Duell

**Town Board Present:** Michael Boggs

#### Proceedings

Chair Angie called the meeting to order at 7:00 PM at Town Hall.

#### Approval of Agenda

**Motion:** Klein motioned to approve the agenda; Schneider seconded.

**Vote:** Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye; Schneider, aye.

**Motion Carried.**

#### Approval of Past Minutes

Liddle added one note to the March 19 minutes regarding the Kearn Site Plan Amendment.

**Motion:** Schneider motioned to approve the March 19 minutes as amended; Klein seconded.

**Vote:** Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye; Schneider, aye.

**Motion Carried.**

**Motion:** Gragg motioned to approve the April 2 minutes as written; Liddle seconded.

**Vote:** Chair Angie, abstain; Liddle, aye; Gragg, aye; Klein, aye; Schneider, aye.

**Motion Carried.**

#### Privilege of the Floor

No members of the public addressed the Board pertaining to items not on the agenda.

#### Old Business Items

##### **SPR2401-01: Crossmore ADU Final Site Plan Review and Public Hearing**

##### **1125 Taughannock Boulevard, Parcel Number 31.-2-16**

The applicant and owner, Deena and Edward Crossmore, propose to construct a new detached accessory dwelling unit (ADU) approximately 960sf with improvements to an existing driveway curb cut. Per the Code of the Town of Ulysses (CTU) 212-44.A.2, ADUs are permitted in the LS zone subject to the provisions of CTU 212-128, but require site plan review when within a unique natural area or slope overlay area, pursuant to the provisions listed under CTU 212-19.

Noah Demarest stated that the plans have advanced quite a bit since the sketch plan review. Changes including revisions to architecture, a change in the positioning of the building, further development of stormwater management plans, and the addition of a rain garden. The area of disturbance has been

modified to be as tight as possible, and there was a minor adjustment to the location of the curb cut. Demarest added that Sciarabba has investigated a location for the septic system with a potential site being downhill. The current plan is to drill a new well, but the location is undetermined.

Sciarabba confirmed that State DOT had no issues with the change to the curb cut.

Liddle asked if the deck is covered; Demarest responded that it is not, and added that the carport, which was separate previously, is now attached to the proposed building.

Sciarabba added that the west side of the roof will direct to the rain garden. Demarest stated that the east side runoff will hit the grade and run into the dams.

Chair Angie began the public hearing at 7:10 PM.

No members of the public offered any comments regarding the proposed accessory dwelling unit.

Tygesen verified that no comments had been received before the meeting.

**Motion:** Schneider motioned to close the public hearing; Liddle seconded.

**Vote:** Chair Angie, aye; Schneider, aye; Gragg, aye; Liddle, aye; Klein, aye.

**Motion Carried.**

Liddle asked if the location of the septic and well need to be confirmed before final approval.

Tygesen explained that for the site plan approval an exact location for the septic and well is not required. Tompkins County Health Department reviews and issue these permit, which will be a requirement to obtain a building permit.

Chair Angie reviewed the Resolution language and verified with Ed Crossmore that the conditions of approval can be met.

**Motion:** Schneider motioned to approve [Planning Board Resolution 2024-006: A Resolution of Final Site Plan Approval of an Accessory Dwelling Unit Located at 1125 Taughannock Boulevard, Town of Ulysses, Tax Parcel 31.-2-16](#) as written; Liddle seconded

**Vote:** Chair Angie, aye; Schneider, aye; Gragg, aye; Liddle, aye; Klein, aye.

**Motion Carried.**

### **SPR2403-01: Nieuwendyk Accessory Structure Sketch Plan Review Continued 1493 Taughannock Boulevard, Parcel Number 17.-1-5**

The applicant, Lee Dresser, on behalf of the owner, Joe Nieuwendyk, proposes to construct a new detached accessory building approximately 576sf with a covered 8' deep patio. Per the Code of the Town of Ulysses (CTU) 212-44.A.1, accessory buildings are permitted in the LS zone subject to the provisions of CTU 212-167, but require site plan review when within a slope overlay area, pursuant to the provisions listed under CTU 212-19

Chair Angie noted further information about stormwater control and erosion prevention was requested after the meeting on April 2.

Lee Dresser spoke about the current plans for the accessory building. A metal roof will be pitched to the rear of the building, with a collection area in the back. Stormwater will be piped into an existing swale about 75 feet from the proposed building. Due to increased storm intensity, check dams will be added to the existing ditch. The area of disturbance has been minimized to less than 7/100ths of an acre.

The Board clarified the location of the drainage tile and pipes. Chair Angie asked what is on the bottom of the catchment basement. Dresser responded that the depth is unknown, but there is PVC pipe, with shale not far below. The pipe is not believed to be perforated.

Gragg asked what the walkway is made of above the pipe. Dresser responded that it is cement and stone, and the pipe is within one foot of the surface of the road.

Nieuwendyk stated that he believes there is a 10 inch – 1 foot distance from the pipe to the bottom of

the basin.

The Planning Board agreed that their requests have been met and the updated plans will address stormwater concerns effectively.

Chair Angie scheduled a public hearing for May 7 and explained notice requirements prior to the hearing date.

### **New Business Items**

#### **MGSUB2402-01, Bartishevich 2 Lot Major Land Division Sketch Plat Review**

##### **7615 Willow Creek Road, Parcel Number 14.-4-4.12**

The applicant and property owner, Karen Bartishevich, applied for a major subdivision to subdivide the existing 17.75 acre lot into three lots; 'Parcel A', approximately 5.41 acres, 'Parcel B', approximately 7.59 acres, and 'Parcel C', approximately 4.75 acres. The applicant previously received approval for a minor subdivision from the Planning Board on July 18, 2023 to subdivide the subject property into two lots. Per the Code of the Town of Ulysses (CTU) 212-141.A, subdivision of land resulting in three or more lots (including the parent lot) from the same original parent lot within three years is considered a major subdivision. 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 lot line per CTU 212-29. Per CTU 212-29.M and CTU 212-130, up to two flag lots are permitted in the A/R zone.

Liddle asked for details about the existing artesian well. Bartishevich explained that there will need to be an easement for the well, which is on parcel A, because her house is on proposed parcel B. There is a holding tank on parcel B.

Bartishevich noted that subdivided parcels will probably be owned by her children, and her son is already planning to build a house on proposed parcel C.

Chair Angie asked if there were ever water quality issues with the artesian well; Bartishevich responded that there have been no issues, but she is aware that other residents in the vicinity experience water quality issues.

Schneider asked about constraints from the well setback, noting that in addition to other setbacks, it may be a squeeze to build.

Chair Angie asked to see a map that includes more details about wetlands. Schneider stated she believes the only creek is on the parcel that has already been subdivided off the subject parcel with the proposed major subdivision. Chair Angie expressed that this is satisfactory to clarify wetland information.

Chair Angie asked how deep the water line is. Ben Bartishevich verified that potential building locations in relation to the existing well system have been considered. They have also done a water exploration and identified at least 3 additional potential locations that are in total compliance with Ulysses code requirements.

Karen Bartishevich stated the line is on a trail and she has seen it exposed. Ben Bartishevich added that the last time a repair was required, they saw the line and it appeared to be at least 5 feet deep.

Klein asked if there are any limitations to the number of subdivisions on the parcel, referencing the previous minor subdivision in 2023. Tygesen confirmed that there are no restrictions on the number of subdivisions because this parcel is in the Agricultural zone. A limit on the number of times a parcel may be subdivided currently exists only in the Conservation and Lake Shore zones.

Chair Angie stated that there should be signage on both Gorge Road and Willow Creek Road for the public hearing.

**Motion:** Liddle motioned to schedule a public hearing for May 7; Schneider seconded.

**Vote:** Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye; Schneider, aye.

**Motion Carried.**

## **ZCA2404-01: DD8 Code Amendment**

### **3052 Dubois Road, Parcel Number 32.-2-8.22**

Bryon Moore proposes to construct a new covered lean-to structure, approximately 24' x 40', that will be attached to the existing building located on-site. The development standards for the subject site's zoning, DD8, also known as Moore's Marine, are listed in the Code of the Town of Ulysess ([CTU 212-118.H](#)). The proposal to construct the lean-to, though attached to the existing structure, is considered a building by zoning code definitions and requires a building permit. Per [CTU 212-21.C](#), the word "building" includes the word "structure". Per [CTU 212-22](#), "Building" is defined as 'any structure having a roof supported by columns, posts or walls', and "Structure" is defined in part as 'anything that is constructed or erected on the ground or upon another structure or building'. The proposal will be located in areas regulated for parking and boat storage.

Bryon Moore explained that he had tried to get a building permit for both a roof replacement and a lean-to addition when he was informed that they need to first gain Town Board approval for the lean-to. The building's construction dates to 1973. A permit is only required for a change in the building's footprint, therefore a permit just for the roof replacement has already been issued and this work will be done soon. The lean-to is simple and there will be no utilities, it is just to get employees out of the sun. Moore noted that one of his employees needs yearly treatments from sun exposure. The lean-to would have 9-foot ceilings.

Chair Angie read [CTU 212-118.H.3.L](#), which states any construction of buildings requires an application to the Town Board.

Schneider spoke about concerns of pollution from boatyards; toxic soil samples are typically found due to paint residue from boats being scraped, and if the parcel changes hand in the future it would need to be determined if the soil is suitable for growing food or not.

Schneider stated that there does not appear to be a healthy vegetative buffer at the stream's edge, and the additional roof area will increase runoff.

Kim Moore stated that nothing has changed in the buffer from the previous Planning Board review 6 years ago. Bryon Moore added that the vegetation next to the stream is Japanese knotweed, a highly invasive species that dies back in winter and will be much more visible in a month.

Chair Angie stated that the main question is what will happen to all the additional runoff created by the new roof area. Klein suggested running a gutter into a swale behind the building. Moore clarified the location of the septic tank.

Chair Angie noted stormwater runoff is always a big concern and was a large focus of the other applications reviewed earlier in the meeting.

Discussion ensued over the desired path of stormwater runoff and the increased impact of introducing an impermeable surface.

Chair Angie clarified that just adding gutters is not the goal; the gutters must lead somewhere intentionally to keep runoff out of the stream. Klein suggested that the gutters need to go into a retention pond. Liddle noted that the effective size for a retention pond depends on the size of the associated building.

Kim Moore stated that there is no painting or scraping of boats on the property and further expressed concerns about misinformation being spread during the previous Board reviews in years prior.

Klein stated that the solution to the runoff concerns should not be too complicated and suggested speaking to the contractor to incorporate a swale into the plan.

Kim Moore stressed that time is limited since the busy season is approaching and the business cannot be shut down for construction once things progress.

Chair Angie explained that because of the distance to the creek, the size of the roof, and the materials used at the business, including fluids and lubricants, it is important to thoroughly review all solutions to prevent possible contamination.

Kim stated that many materials used in the marine industry are non-toxic. Gragg asked if there are any additional concerns regarding toxins that have not yet been mentioned. Bryon Moore described current practices, noting that fluid is caught during changes and stored in a container which is pumped a couple of times per year. Kim Moore noted that there will be no change in the work taking place, which is already occurring on the site, and the only change is the employees will now be covered.

Chair Angie stated that a hearing can be scheduled after a plan for managing stormwater runoff has been produced.

Bryon Moore asked what else would need Board review in the future as he plans to improve the building. Chair Angie explained that something such as a siding renovation would not require Board review, just changes to the footprint.

### **Board Member Reports**

Michael Boggs spoke about reviewing development districts and how to manage defunct districts. Chair Angie agreed that it is a great question, and existing development district zoning regulations potentially create difficulties for property owners who would like to sell.

Liddle asked if most of the development districts were formed to deal with zoning changes; Boggs could not say for sure, but the districts may have been formed as zoning developed.

Tygesen stated that he had confirmed with Town Legal that the Town Board ultimately needs to take an action to rezone and/or make amendments to a development district. Districts will not automatically revert to other zones upon abandonment or closure.

Klankowski spoke about the comp plan update. Firms that have submitted RFQs will be interviewed at the Thursday, April 18 CPSC meeting.

Boggs expressed concerns about signs appearing in Ulysses that have not been permitted. Discussion ensued over temporary and permanent sign requirements.

Klankowski asked if there are any updates on wetland sources yet; Boggs responded that there is no news yet.

Gragg asked what the 50-foot protective wetland buffer restricts; Klein answered that nothing is allowed within the buffer.

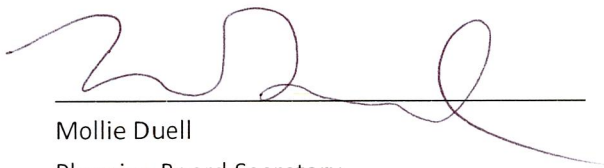
The Board discussed vegetative buffers, soil sampling, and toxic residue in general.

**Motion:** Klein motioned to adjourn; Liddle seconded.

**Vote:** Chair Angie, aye; Liddle, aye; Schneider, aye; Gragg, aye; Klein, aye.

**Motion Carried.**

ADJOURNED 8:40 PM



Mollie Duell

Planning Board Secretary