



Planning Board
Zoom Hybrid Meeting
Draft Meeting Minutes
May 19, 2026
Approved: _____

Board Members Present: Chair Karl Klankowski, Linda Liddle, Jeff McDonald, Mo Klein

Quorum Present

Applicants Present: Ken Kearl

Applicants Present on Zoom: None

Public Present on Zoom: Sheri Sprole, Bob Sprole, Sharon Sulimowicz, Leslie Webster, Carrie Pollock, Cynthia Mannino, Krys Cail

Town Staff Present: Niels Tygesen, Lori Asperschlager

Town Board Member Present: None

Proceedings

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

Approval of Agenda

Motion: Klein motioned to approve the agenda; Liddle seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Board Member Reports

No board members in attendance

Approval of Past Minutes

Motion: Liddle motioned to approve May 5, 2026 minutes; McDonald seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Privilege of the Floor

No members of the public were in attendance for privilege of the floor.

Motion: Klein motioned to close privilege of the floor; Liddle seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Old Business Items

SPR2401-02: Kearl Site Plan Amendment, Final Site Plan & Public Hearing

The applicant and property owners, Kenneth and Patricia Kearl, applied for a site plan amendment for the subject site to permit civil work within the HpE steep slope overlay including grading, excavation, and fill of approximately 50cy, retaining walls, steps, rip-rap, gabions, and realignment of the driveway.

Applicant Kearl gave an update of the requests from the May 5 Planning Board of the site plan changes to include the parking area and the width of the pathway. The parking area is marked out at the location with survey pins.

Carrie Pollock, spoke on behalf of her clients Sheri & Bob Sprole and mentioned that the site plan does

not include the measurements for where the gravel parking area is. The Sproles and their engineering firm, Delta, did not have enough information with the revised site plan.

Klein asked that Kearl add the measurements of the gravel parking area to the final plat before the plat is signed. Kearl agreed to that condition.

Discussion ensued regarding the gravel parking area, surveyors, measurements, and survey pins.

Tygesen confirmed the following:

- This resolution will have conditions of approval.
- There is no local law that the Planning Board receives a survey for site plan approval, only that the site plan needs to be to scale.
- The planning board can include a condition that the gravel parking area location measurements be added to the site plan.
 - Pollock would like the condition be added to include the measurements.

Pollock asked about the SEQR type action needed. Tygesen stated that in previous reviews of the site plan in 2017 when the site was vacant and 2018 with a similar site plan amendment that a SEQR review was not needed per State statute. Recent conflict counsel by Guy Kough confirmed that as well.

Motion: Klein motioned to open the public hearing; Liddle seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Discussion ensued regarding safety concerns for turnaround area for emergency vehicles or propane delivery trucks for the Sproles and a second surveyor company to have a survey. The planning board did not find this relevant to the board's decisions on the Kearl Site Plan as the placement of the gravel parking area will not change the plans to his property and the concerns being brought up are civil issues.

Discussion moved on to other concerns received for the public hearing.

- Tygesen confirmed that the concrete pad is considered a structure by definition.
 - The concrete pad was approved in the first site plan review in 2017/2018.
 - Not sure if the property owner obtained all required jurisdictional approvals at that time.
- Neighbor Leslie Website asked about where the wall would be that Kearl is planning to install
 - Concerned it is not 50' back from the high water mark.
 - Tygesen stated that town code [212-162 Fences and walls](#) exempts walls not over 6', so the 50' setback is not applicable.
 - If the majority of the board has concerns this site plan can be sent to the BZA for final interpretation.
- Kearl has a Non-Jurisdictional Determination from the DEC and they recommended a retaining wall (gabions) on the north line of the property to the concrete pad to help limit erosion.
 - Discussion about adding vegetation (native plants) instead of the gabions.
 - McDonald reminded the group that the discussion is not about installing a concrete wall at the shoreline, and the gabions would not be a detriment to the land.

The neighbors spoke again about the previous topics, however those comments were outside the purview of the planning board.

Motion: Klein motioned to close the public hearing; McDonald seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Brief discussion ensued regarding the gravel parking area.

Motion: Klankowski moved draft resolution for discussion; Klein seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

The board discussed adding the condition to include the measurements of the gravel parking area to the resolution.

Motion: McDonald motioned to approved [Planning Board Resolution No. 2026-011 A Resolution of Final Site Plan Approval of the Kearn Site Plan Amendment Located at 1513 Taughannock Boulevard, Town of Ulysses, Tax Parcel 18.-1-19.8](#); Klein seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

New Business Items

MNSUB2601-01: Koskinen 2 Lot Subdivision, Sketch Plat Review

The applicant and property owner, Roger Koskinen, applied for a minor subdivision for the subject site to subdivide the approximately 26.50 acre lot into two lots, Parcel 1 approximately 1.20 acres and Parcel 2 approximately 25.29 acres.

Klein asked if Development District 6 is disappearing. Tygesen said that the parcel is split between DD6 and Agricultural/Rural zone, but the applicant is not asking for DD6 to be dissolved. There are 3 parcels that are zoned DD6.

Klankowski spoke about DD6. It includes parcel number 22.-5-4 and an area of 500' depth by 600' width on the other side of Podunk Road over parcels 21.-1-14 and 21.-1-13. He has been asking Tygesen how these parcels got included and will the portion of the parcels stay included and it may require the Town Board to redefine DD6 as part of this subdivision request.

Carrie Pollock spoke on behalf of the applicant and shared the reason behind the subdivision is because Koskinen wants to sell parcel 1 with the garage which would stay within the current use of DD6.

Tygesen stated the [DD6 code standards](#) specify permitted uses, the boundaries of the zone, and certain development standards such as signage. Based on the regulations there is no limitation to approve the subdivision but can ask for legal review before the public hearing.

Tygesen brought up a concern of the language of the code and the allowed uses. Any new building in DD6 would require town board approval. If a property owner in DD6 wanted to do a greenhouse or an ADU, as allowed under Ag/Rural zone, it would require approval by the town board which seems excessive. Recommends that the applicant review and discuss with their legal team on original intent and when DD6 was created and for future plans of the various properties, and that they may want to consider requesting a re-assessment of code language for DD6.

Continued discussion about Development Districts and how the Town integrated them and specifically DD6 and suggestion of changing DD6 to the 1.20 acres that has the auto works business on it. Pollock asked if there was no anticipated change in the use or anticipated development how is the issue of DD6 relevant to the subdivision. Tygesen confirmed that the regulations do not prevent a subdivision in DD6 but can ask for legal review before the public hearing.

Public hearing will be scheduled for June 16 meeting to allow time for town legal to review DD6. Klankowski asked Pollock to see if the applicant has any history of property being assigned as DD6 and any previous subdivisions.

Motion: Klankowski motioned to hold public hearing on June 16, 2026; Klein seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

Board Member Reports

None

Motion: Klein motioned to adjourn; McDonald seconded.

Vote: Chair Klankowski, aye; Liddle, aye; McDonald, aye; Klein, aye.

Motion Carried.

ADJOURNED at 8:48PM

Respectfully submitted by Lori Asperschlager, Planning Board Secretary

Niels Tygesen

From: Kenneth Kearl [REDACTED]
Sent: Tuesday, May 5, 2026 11:30 AM
To: Niels Tygesen
Cc: Town of Ulysses Permits
Subject: Re: Town of Ulysses Public Hearing notice board and final site plan fees
Attachments: 350sf area staked & cleared.jpg

Hi Niels,

During the 21-April-2026 Town Planning Board meeting, we reviewed our updated site plan and at that time, I identified that we had received a NYS Supreme Court Order to remove limestone riprap from a 350sf parking area on our property. Your office considered the matter and I was informed that I could remove the limestone riprap from the 350sf area without additional permit. During the NYS Supreme Court trial, Mike Reagan, Reagan Land Surveying, was recognized by the Court as an expert witness. Mike Reagan prepared Trial Exhibit VVV that the Judge referenced in the Court Order. On 1-May-2026, Reagan Land Surveying completed a survey of our northern property line and staked the 350sq parking area as specified in Judge Ahern's, NYS Supreme Court Order. On 4-May-2026, P&S Excavating relocated all limestone riprap from the 350sf area as mandated by Judge Ahern's Court Order. We have complied with and completed all requirements of the NYS Supreme Court Order. See attached photo.

Upon review of Sprole's comments and request for the Town of Ulysses Planning Board to delay approval of our updated site plan because of some ambiguity associated with the 350sf location and removal of limestone riprap.. These concerns have been addressed and are not a valid reason for a delay in the Town of Ulysses Planning Board approval process. I can only assume that Sprole is unhappy with Judge Ahern's NYS Supreme Court ruling and Court Order regarding location of a 350sf parking area and the fact that the Plaintiffs (Sprole) are permanently enjoined from any additional trespass on Defendants (Kearl) property and now he is attempting to cause a delay in the Town of Ulysses Planning approval process for our updated site plan.

See Judge Ahern's Court Order language regarding Sprole's rights (Plaintiffs) to utilize our property (Defendants) for their benefit (below):

"It is ORDERED that Plaintiffs are permanently enjoined from any additional trespass on Defendants' property and shall not enter onto any portion of Defendants' property except for the permissible use of the access road and gravel parking area as defined herein, unless explicitly invited in writing or granted permission in writing by Defendants, including a prohibition against any trespass on Defendants' land to access the portion of the gravel parking area on Defendants' property as Plaintiffs may only access said portion of the gravel parking area via their own property;"

Best regards,

Ken Kearl

On Tue, May 5, 2026 at 9:55 AM Niels Tygesen <planner@townofulyssesny.gov> wrote:

Good Morning Ken,

Please note the [draft resolution](#) is available, it is subject to change, and comments from [Bob Sprole](#) and [Leslie Webster](#) have been received, in addition to [Bob's](#) and [Leslie's](#) prior comments in 2024 and [Michael Kimberly's](#).

Niels Tygesen

Planner

Building, Code, Planning, & Zoning Department

607.387.5767 x222 | 10 Elm Street, Trumansburg, NY 14886



Re: Revised Kearl site Plan

Thank you for advising me you received my comments for the meeting of May 5 th 2026. I appreciate your clarifying the code of 212-48 D-3

Given more time to get comments together I have found an article that I am attaching below. It is put out by New York state and discusses the most effective means of shore stabilization. Gabions are not best idea- native plants are the preferred option. This should be considered in lieu of the artificial buffers Mr. Kearl wants to use.

Natural vegetation presents no environmental risk and preserves the natural beauty of the area- one of the goals listed in the purpose section of the lakeshore zoning code.

I have a question about the northern area in Mr. Kearl's proposed site map. It shows placement of gabions and a limestone wall. Are these going to be on the bank above the beach or on the beach at the high water mark ?

If on the beach they would be in violation of 212-47 which states at the bottom of the chart that set back needs to be 50' from the high water mark . I am assuming that gabions and stone walls would be considered to be structures as they are solid and are attached to the land. Structures have not been allowed on the beach in the past closer than 50' from the high water mark as they harden the beach presenting a problem with erosion and in this case would also change the character of the neighborhood as no one else has any walls on the beach. Please elaborate.

I might try to send additional photos illustrating good land stewardship of the lakeshore illustrating how use of natural vegetation can protect against soil erosion and water run-off and preserve the natural beauty of the shoreline without the need to use artificial buffers.

Thank you for your consideration.

Leslie Webster

1509 Taughannock Blvd



Shoreline Stabilization Ecological Importance of Natural Shorelines and Proper Shoreline Stabilization

This information was developed to increase awareness of the ecological importance of natural shorelines, and to promote more enlightened approaches to shoreline stabilization. By protecting the natural shoreline, you can help protect the key functions and values provided by this essential ecological transition zone. Additional information on shoreline protection may be found using the links in the right column.

Natural Shorelines

Natural shorelines are the undeveloped fringe areas along the edge of a waterbody, which connect the shallow aquatic portion of the waterbody with adjacent upland. These riparian areas provide important environmental functions, such as regulating water quality (including temperature, clarity, nutrients, and contaminants) and sustaining critical habitat for a variety of aquatic and terrestrial organisms (including invertebrates, fish, amphibians, reptiles, shorebirds and waterfowl, and mammals).



Changes or disruptions to riparian areas can threaten the survival of species that rely on this kind of habitat during their various life stages. They depend on these areas for breeding, spawning, nesting, feeding, growing and escaping from predators. Protecting such critical habitat is important - especially on lake shores that are experiencing development pressure and on over-developed lake shores that have limited natural shorelines remaining.

Shoreline Erosion

Shoreline erosion is a natural process caused by wind, frost action and gravity, as well as precipitation and wave and ice action. This natural wearing away of soil and rock can result in benefits such as creation and replenishment of natural beaches. However, it can also cause negative effects such as structural damage, degraded water quality and loss of property and habitat.

Human activities, such as those listed below, often contribute to or accelerate the natural shoreline erosion process, exacerbating the negative effects. However, with thought and planning, such activities can be modified to avoid or reduce those effects.

Clearing Natural Vegetation

Often done by landowners to expand views or increase recreational areas, it destroys the roots of plants that provide significant shoreline stabilization.

Construction or Development

When done uphill of a shoreline, it can result in increased stormwater runoff, resulting in increased sediment loads to the water body.

Impervious Surfaces and Structures

Pavement, buildings, roofs, drainage ditches, etc. increase the amount, velocity and energy of stormwater, resulting in more runoff being routed to streams and lakes (and less into the ground), and increasing shoreline erosion.

Agricultural Practices

These can modify the rate of erosion and increase levels of nutrients in streams and lakes. The effects are greatest in the spring when snow is melting, the soil is saturated and water runoff is highest.

Shoreline Projects

Erecting walls, and other such projects, reduces habitat and commonly affects property elsewhere due to redirection of waves away from the area in which the wall was installed. Such projects also can change the natural "drift" of loose material.

Shoreline Stabilization

For decades, "traditional" shoreline stabilization methods have centered on "hard" construction approaches such as vertical concrete, metal, or wood break-walls, gabions (stone-filled wire baskets) and rip rap (loose rocks or stones). Biologists and engineers now realize that in addition to creating a physical barrier, these hardened vertical or near-vertical structures reflect wave energy rather than absorb it, thereby worsening turbulence and increasing erosion in front of, under and adjacent to the "fix".

The effects of turbulence and erosion are not as severe when rip rap is used because it absorbs some of the energy from moving water. However, depending on its size and placement, rip rap still can create a barrier to many wildlife species, and, as with solid structures, reduces vegetated habitat.

The adverse effects of traditional shoreline stabilization methods can be significant, as hard erosion-control solutions do not provide the water quality or habitat benefits of a natural or restored vegetated shoreline.

Adverse changes to natural resources include the following:

- Reduced or degraded habitat for breeding, spawning, nesting, feeding, growing, escaping from predators, and thermoregulation and/or “loafing” for a variety of fish and wildlife species;
- Impaired movement of organisms between aquatic and terrestrial habitat;
- Altered physical structure of the water’s edge, with resultant changes to hydrology;
- Increased infestation of invasive plants (e.g., Eurasian watermilfoil) due to wave action against the hard structure, causing increased fragmentation and dispersal of plants and “re-seeding” of the water body;
- Local changes in water quality, including changes to temperature and increases in turbidity, nutrients and contaminants;
- Increased erosion of the adjacent natural shorelines and scouring in front of the structure.



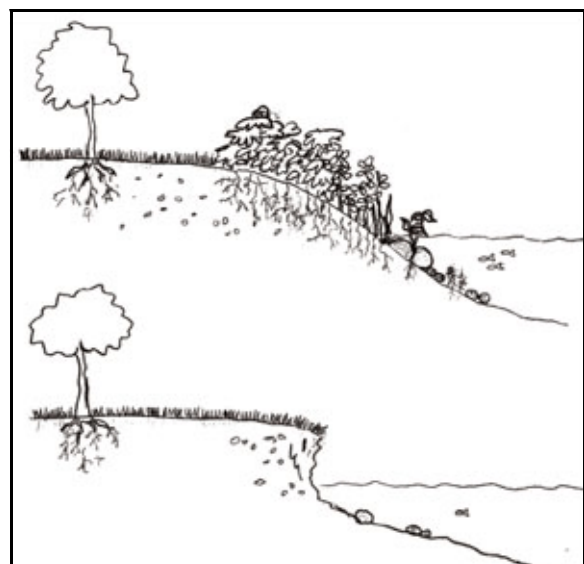
Preferred Methods

Soft or natural approaches to shoreline stabilization are recognized now as being more environmentally effective. When shoreline repair or stabilization becomes necessary, these methods should be considered first.

Natural approaches seek to restore hydrological and ecological balance by using methods that are structurally sound as well as economically feasible and ecologically sustainable. While there are many ways to protect an existing shoreline or restore an eroded one, choosing appropriate materials and design is important. Soft methods may include planting native, deep-rooting vegetation, as well as bioengineering. In all cases, the proposed stabilization method should follow the natural contour of the shoreline.

Preserving the Natural Shoreline

Shoreline stabilization can be as simple as not mowing the grass or not cutting the trees and shrubs along the shoreline. This allows natural vegetation to grow or become re-established. A naturally vegetated shoreline has many benefits. It prevents contaminants or excess nutrients from entering the water; it prevents erosion caused by rain, wind, wave and ice action, and it provides food, shade and cover for fish and wildlife. If some vegetation must be removed, limit the amount. Try to prune trees and shrubs back instead of removing them altogether.

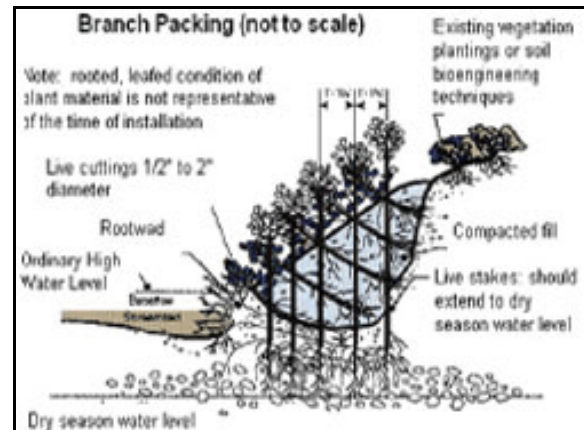


Planting Along the Shoreline

Planting native, deep-rooting species (check with your local soil and water conservation service for suggestions) will help accelerate shoreline stabilization. Many low-growing species are available that will not block waterfront views. Some species of common shrubs have roots that extend deep into the soil, helping to keep the soil and shoreline together. When damage does occur to a natural shoreline, native plants can easily re-establish.

Bioengineering (Soft Structures)

Where planting is not sufficient to stop erosion, a bioengineering approach may be more appropriate. Bioengineering incorporates plants in combination with natural materials such as logs, live stakes (e.g., cuttings from species like willow), and brush bundles (i.e., branches from live woody plants), creating a natural appearance and habitat for fish and wildlife. Bioengineering designs can lead to long-term stabilization of a shoreline, reducing the need for future work.



Less Preferred Methods

Hard approaches should be considered only where erosive forces are severe, and softer approaches would not be effective structurally.

When a site requires the use of "harder" structures, steps should be taken to reduce potential adverse effects by limiting the project area to the smallest possible footprint necessary; by protecting the toe or base of vertical structures with rip rap or stone; and, if appropriate, by incorporating passage areas to facilitate movement of wildlife to and from the water. The "fix" should follow the natural contour of the shoreline to the greatest extent possible.

Rip Rap

Rip rap stabilization designs should include appropriate bank slope and rock size to protect from wave and current action and to prolong the life of the embankment. A final slope ratio of at least 1:2 (vertical to horizontal) is recommended, and a more stable 1:3 slope should be used where possible.

A layer of gravel, small stone, or filter cloth placed under and/or behind the rock helps prevent failure. It also prevents the release of sediment – which can be harmful to fish, their eggs, and their food supply - into the water body.

In many cases, only the toe of the slope may need rock reinforcement; the remainder can be planted with native vegetation. The rock must be clean, free of silts and organic debris and must not come from the water body, as this will affect aquatic habitat.

Vegetation, especially deep rooting species, planted above and immediately behind the rock will greatly increase the stability of the slope and provide additional habitat, food supply and hiding spaces for a greater variety of species.

Gabion Baskets

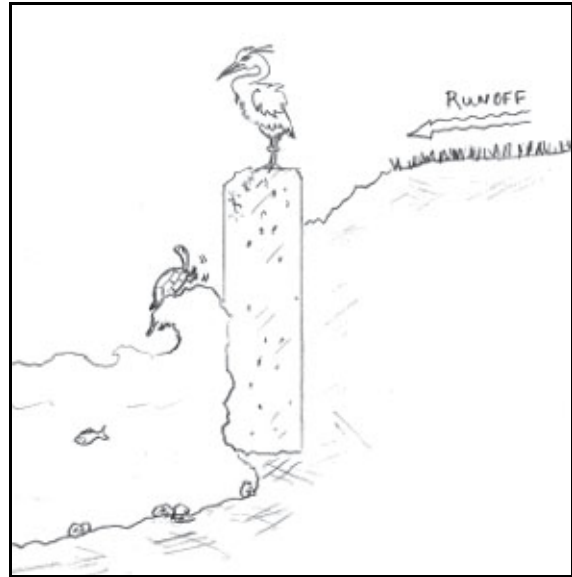
Gabion baskets provide marginal habitat, and, when exposed to the elements, their durability is questionable. Consequently, their use is not encouraged.

Retaining Walls

Retaining walls are not encouraged and generally are not approved.

These structures (typically sheet steel, concrete, wood or large armor stone) produce a sterile, vertical, flat-faced object which is of little use to aquatic organisms and other wildlife. They also tend to reflect wave energy rather than dissipate it, usually resulting in erosion problems in front of the "fix" and elsewhere.

However, when erosive forces are severe, existing building foundations or structures are threatened, and softer stabilization approaches would not be effective, a new or replacement retaining wall may be warranted. In these cases, rock should be placed at the toe to reduce the adverse impacts of reflected wave energy.



Whenever possible, replacement structures should be installed above the mean high water elevation or behind or on the same footprint as the existing structure; not by encroaching into the water. The existing structure, and all fill in the intervening areas, should be removed and the exposed bed restored.

Other Tips for a Healthy Shoreline and Water Body

Avoid using fertilizers, herbicides and pesticides on your property. Rain will transport these harmful chemicals into the water, impairing water quality and adversely affecting aquatic organisms. In addition, fertilizers increase the nutrient input, which increases algae and aquatic plant growth. When the plants die, the decay process uses up dissolved oxygen in the water, reducing the amount available to fish.

Use soaps and detergents that are phosphorus/phosphate free. Excessive phosphorus levels cause increased growth of aquatic plants and algae. "1 lb. of phosphorus = 300 to 500 lbs. of algae"

Make sure your septic system is maintained and the tank is pumped out on a regular basis. Maintain shrubs or trees in the area between the septic system and the water. Plants help capture some of the nutrients that pass through the septic system.



SUMMARY: Shoreline work should be proposed only when a problem exists and needs fixing (i.e., to stabilize identified erosion areas) - not to decorate, landscape, or reclaim land. When work is necessary, natural approaches should be considered first.

DEC Permits Required

Protection of Waters (ECL Article 15, Title 5)

Applies to disturbance to bed or banks of streams classified as C(T) or higher, and excavation or placement of fill below the mean high water level of navigable waters of the state (including wetlands that are adjacent to and contiguous at any point to any navigable water of the state).

Freshwater Wetlands (ECL Article 24)

Applies to NYSDEC regulated Freshwater Wetlands (i.e., outside the Adirondack Park)

Basis for Permit Issuance:

1. The proposal must be reasonable and NECESSARY (i.e., it will resolve a problem).
2. It must not endanger the health, safety or welfare of the people of the State of New York.
3. It must not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the state, including soil, forests, water, fish, shellfish, crustaceans and the aquatic and land-related environment.

Other Potential Permits

Permits may also be required from other government agencies, such as but not limited to:

Adirondack Park Agency (518-891-4050) – If your proposal involves shoreline work in the Adirondack Park, please contact the Adirondack Park Agency before finalizing plans. This will help to eliminate unnecessary delays and assure that your project design satisfies both agencies.

U.S. Army Corps of Engineers (NY District: 518-266-6350; Buffalo District: 716-879-4330) – The Corps of Engineers regulates activities involving dredging, excavation, placement of fill, or construction of certain structures in waterways and wetlands of the United States.

Further Information and Jurisdictional Inquiries

Please contact the appropriate DEC regional Environmental Permits office, based on the county where the project is located.

To: Planning Board- Town of Ulysses

May 18th 2026

Re: Kearl revised site plan- photos and additional documentation of properties in the area of the Kearl property

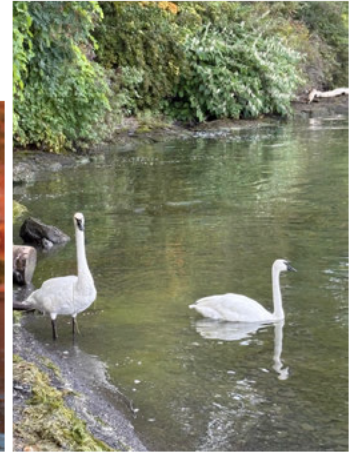
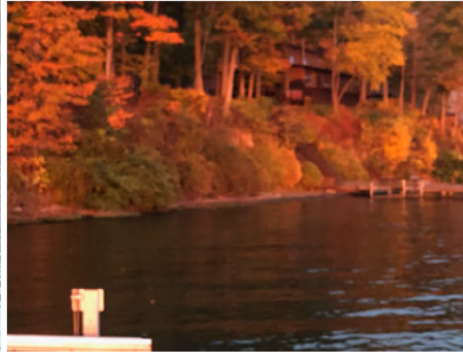
From: Leslie Webster

Address: 1509 Taughannock Blvd

Examples of good lake stewardship

I am attaching these photos of the properties surrounding and in the vicinity of the Kearl property to illustrate how they demonstrate good stewardship of the lakeshore. All the banks are held by native trees and plants and the beaches are unencumbered by structures and artificial buffers such as concrete pads, riprap, gabions or stone walls. None of this is needed on the properties shown below to keep erosion and run off at bay. Mr. Kearl's present shoreline and the proposed changes he wants to make on his property will not be in harmony with the neighborhood.

The pictures below show the shoreline between the two properties to the south of Mr. Kearl's property. You can observe how the natural vegetation holds the shoreline, preserves the natural beauty and attracts wildlife. These swans appeared out of nowhere this past summer. Aren't they beautiful! Ducks often eat some of the plants that hang down from the bank.



The second set of pictures is much older. They show the property two houses to the north of the Kearl property. The first is of my mother and uncle, taken around 1930. You can see the beach which looks very natural. The second is of my grandmother, taken around 1950- you can see how wide the beach is- no erosion. The third is my grandparents' cottage, taken around 1971. All the trees and plants were left on the bank behind it so there are no issues with water run off or soil erosion. This area has been intact for over 140 years. The people who currently own the land have modified it somewhat. The cottage has been replaced but the property still looks like it did when I was a child over 70 years ago- very natural without artificial buffers.



These pictures of two houses south of the Kearnl property were taken at the top of the bank and show that the area is mostly permeable land which absorbs rain and most of the water runs off down the bank. Plants and trees along the bank hold the soil and prevent soil erosion and water runoff. A natural way of demonstrating good land stewardship. Our new septic is in the grassy area. The area was covered with mud after the new septic was put in so they had to plant grass to prevent erosion. We hope the native plants will take over soon. Two hemlock trees on the bank were lost to the woolly adelgid. We plan to plant white pine in their place- never a gabion, riprap or stone wall!



The last 2 pictures show the shoreline of the two properties to the south of Kearnl and his current shoreline (behind the blue tarp) . I am not sure why this fence was needed as it does nothing to enhance the beauty of the shoreline. The bank behind Mr. Kearnl's shoreline is barren as he removed all his trees and natural plants when he bought the property. We all wondered why he would do such a thing! I don't recall there was ever an issue with erosion before he bought the property.

Viewing the last two pictures- which one do you think illustrates the purpose section of the lakeshore zoning code- to keep the lakeshore as natural as possible "to protect the

fragile environment of the lakeshore“ and “to provide a regulatory framework in which development can occur with minimal impact to the environment”? If you look carefully at the first picture, you can see a heron standing on a stone in the lake.

There is also an eagle nest in a tree on the property just south of Kearn. The eagles return each year and we watch them fly out around 5 pm to catch fish in the lake, which is a very cool site to see.



Good stewardship will keep the lakeshore beautiful, viable and natural as these photos illustrate. Leaving or enhancing natural vegetation is far superior for holding the soil and preventing water runoff than putting up gabions, riprap and stone walls which look artificial, harden the shoreline, will wear out in time and are not harmonious with the neighborhood around them. They will also encroach on habitat for the wildlife that reside and live off the native plants in the area.

It is extremely sad that so many new residents do not know how to be good stewards of the lakeshore. They do not put a priority on keeping it environmentally viable or on preserving the natural beauty of the area. It is the obligation of the Planning Board to provide guidance and to make decisions taking into account the important features of the zoning code i.e. adhering to specific provisions of the Lakeshore section of the zoning code (212- 48) (B) Vegetation and Landscape- 1 and 2, and section 4 – Recommendations (b,c,h,n) and also to the spirit of preserving the lakeshore as stated in the Purpose section. Otherwise the Lakeshore will lose all of its value and beauty. Protecting the environment and being in harmony with surrounding properties is critical.



CARL L. SCHMIDT

Direct Dial: 315-565-4532
cschmidt@hancocklaw.com

May 18, 2026

VIA: Email (permits@townofulyssesny.gov) and First-Class Mail

Town of Ulysses Planning Board
Attn: Karl Klankowski, Chairman
and Town of Ulysses Planning Board Members
Ulysses Town Hall
10 Elm Street
Trumansburg, NY 14886

**Re: Kearn Site Plan Amendment
Kenneth and Patricia Kearn (the "Applicants")
1513 Taughannock Blvd
Revised Site Plan Review**

Dear Chairman Klankowski and Members of the Board:

Our office represents Robert and Shari Sprole, neighbors to the above captioned address, with regard to their concerns related to the construction project (the "Project") outlined in various iterations of site plan application materials filed since January 2024 (collectively the "Application"). As you know, the Sprole property shares a property line with the Kearn property subject of this Application. The Sproles have previously intervened and filed correspondence in opposition to the Project. On or about May 12, 2026, the Applicants submitted the latest Amended Site Plan in the matter, which drawing shows the purported site of the Sproles' parking easement as determined by the Tompkins County Supreme Court.

The purpose of this letter is to address the issues scheduled for the May 19, 2026 Planning Board meeting, during which there is scheduled a continuation of the public hearing concerning the Project. For the reasons set forth herein, we submit that the Planning Board is not in a position to issue a decision on the pending Site Plan Amendment, and we respectfully request the public hearing be held open for development of the record relative to the deficiencies noted herein.

I. COMPLIANCE WITH SEQOR

Pursuant to §212-19(C)(2)(c) of the Town of Ulysses Code (the "Ulysses Code") a site plan application is required to contain a "[c]ompleted and signed Part I of the short environmental assessment form (SEAF) or full environmental assessment form (FEAF), whichever is required." We have reviewed the extensive record comprising the Application in this matter but cannot locate any Environmental Assessment Form. While Town staff may have

opined that the Project would constitute a SEQR Type II action pursuant to 6 NYCRR 617.5(c)(11-12), we believe that application of these Type II criteria is not appropriate considering the extensive scope of the proposed Project impacting steep slopes immediately adjacent to Cayuga Lake and comprising significant grading, excavation, import of 50 cubic yard of fill. Moreover, the Project includes site-wide installation of interior roadways, walls, steps, patios, rip-rap, gabion, driveway modifications, gates, etc. The Project when considered in the aggregate, as it must be, falls well outside of the ambit of those limited construction activities comprising the installation of minor residential and accessory structures described as Type II activities in the regulatory criteria cited above.

The Project can be expected at the outset to have significant environmental impacts both on the Applicants' lot and beyond their property boundaries. Pursuant to 6 NYCRR § 617.7(b)(2), the Board must review an Environmental Assessment Form and issue its determination of significance and make findings pursuant to the State Environmental Quality Review Act ("SEQRA") before it can make its decision on the pending Application. Given the apparent lack of any such Environmental Assessment Form in the Application record, in violation of Ulysses Code § 212-19, we believe that the Board cannot lawfully proceed in completing SEQR review on this project as currently constituted.

II. PLACEMENT OF THE SPROLES' EASEMENT

As the Planning Board is aware, the Tompkins County Supreme Court has determined that the Sproles possess an approximate 350 square foot easement located along the boundary between the Sprole and Kearl properties. We are aware that the Applicants have submitted a May 12, 2026 Amended Site Plan purporting to show the location of the Sproles' parking easement. We have significant concerns that the same Amended Site Plan does not accurately describe the location of the easement. Given Surveyor Reagan's involvement in the lengthy legal proceedings that resulted in the Court order, we think it prudent that any purported placement of the easement by the Kearls' consultant be confirmed by an expert. Moreover, as is more artfully articulated in the annexed correspondence drafted by Delta Engineers, Architects & Surveyors, DPC, placement of the easement as described by the Court is hampered by the lack of any practical reference point in the essential documents. Our professional team requires additional information and coordination from the Kearls' consultants to confirm the proper placement of the easement along the property boundary.

Moreover, we are concerned that excavation and grading adjacent to the easement are likely to weaken subsurface support and safety of the easement's parking surface. Pursuant to Ulysses Code § 212-19(E)(2), the Planning Board must review as part of a site plan the location and adequacy of off-street parking. As an aspect of this criterion, the Planning Board must ensure that Project does not materially impair the Sproles' judicially sanctioned use of the parking easement area. While this Board has no authority to determine the placement of an easement, it can certainly require that those site plan elements under its jurisdiction are supportive of neighboring property interests. In fact, the Planning Board must affirmatively find

that the Project is “sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property.” §212-19(E)(3).

Accordingly, it is imperative first that the Sproles’ easement’s location be practically confirmed on a final Site Plan and second that the Planning Board meaningfully review the Applicants’ aggressive Project plans with an eye toward ameliorating its impacts to the use of this easement. As explained in the Delta correspondence, neither objective can currently be realized without further coordination with Kearls’ consultants.

III. ACCESS CONCERNS

Applicable site plan criteria under the Ulysses Code requires consideration of “site layout for beneficial coordination with adjacent properties with respect to pedestrian and vehicular traffic.” §212-19(E)(2). As noted in the Delta correspondence, public and private safety require that adequate access be maintained for delivery vehicles, landscaping and maintenance trucks, and most importantly fire and emergency services vehicles. In this regard, the Planning Board is charged with determining this Project “shall ensure safe and efficient access for all site users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles.” §212-19(E)(3).

The existing narrow access road is already significantly under designed by modern standards and delivery drivers are sometimes forced to reverse long distances to navigate the roadway. Elements of the proposed Project include imposing landscaping features and installation of gates along existing access roadways which will further burden transportation. We are concerned that such design elements will impair safe and effective traffic circulation on the shared access road. We are especially concerned that installation of the proposed gates on the Kearn property will render the property unable to support its own transportation needs. In sum, the Project provides no turn around facilities and is likely to cause trucks bound for the Kearn residence to block the access roadway or to proceed onto the Sproles’ property to turn around. Moreover, larger vehicles will be left with no means of turning around – requiring them to back down the treacherous access road upon departure which may significantly impact traffic and emergency access. As such, the Project as currently proposed fails to ensure safe and efficient transportation access and cannot be approved.

IV. FACTUAL MISINTERPRETATIONS

We believe that the record contains certain misinterpretations of the Tompkins County Supreme Court’s Decision & Order relevant to the Planning Board’s consideration, some salient clarifications follow:

- The Sproles’ easement has been determined by the Court to be created by contract—not by adverse possession.

- The contractual easement allows the Sproles and their successors any reasonable lawful use within the parties' contemplation at the time of the agreement, including specifically for parking.
- The Sproles' retain the right to develop, maintain and repair the surface of the easement property to facilitate parking or other lawful use.

V. CONCLUSION

Based on the above, and for other reasons developed and to be developed on the record it is respectfully submitted that Planning Board should disapprove the Revised Site Plan for this Project. In the alternative, the Board should grant a continuation of the public hearing in this matter to further investigate potentially significant environmental impacts and ensure harmony of the proposed construction with neighboring property uses. This is required under the Town Code. To do otherwise would likely be determined to be an arbitrary and capricious action of the Town, subject to judicial review.

Very truly yours,

HANCOCK ESTABROOK, LLP



Carl L. Schmidt

CLS/mkk

May 14, 2026

Mr. Robert R. Sprole
1517 Taughannock Boulevard
Ithaca, NY 14850

Re: Stakeout –350± sq. ft. parking area - Lands of Kearn – 1513-1515 Taughannock Boulevard - Town of Ulysses, NY - Tompkins County. Tax Map Parcel # 18-1-19.8.

Dear Mr. Sprole,

Pursuant to your request to stake the 350± sq. ft. parking area as determined by the Tompkins County Supreme Court in a matter captioned Shari Sprole, et al., v. Patricia Kearn, et al., Index No. 2020-0413, partially illustrated on Defendant's Exhibit VVV (Location Map – Showing Various Positions of a Driveway Over Lands of Kenneth & Patricia Kearn, Town of Ulysses, County of Tompkins, State of New York – Tax Map No. 18-1-19.8 – Reference Deed: Instrument No. 440267-001 – Reagan Land Surveying, dated Aug. 24, 2022, amended Jan. 20, 2023, depicting the 1993 gravel drive and parking location per Reference Map No. 6), I have completed my review and determined that the exhibit lacks the essential survey elements—specifically a point of beginning, bearings, distances, and other controlling data—required to perform the requested staking. In short, the available data provides no satisfactory reference point by which to determine the location of the exhibit on the ground, nor to determine the 350' x 10' area as ordered by the Court.

In order for Delta to accurately advise and assist the Town on behalf of Sprole, we will need the following:

- 1) AutoCAD file of the Defendant's Trial Exhibit VVV.
- 2) Access onto the property to perform a survey.
- 3) Access onto the property to perform required staking based on 1) and 2) above.

Furthermore, the driveway terminates at the end of the access road. Expansion of the turnaround area, for adequate access to be maintained for delivery vehicles, landscaping and maintenance trucks, and most importantly emergency fire and ambulance services. The proposed gates on the southwest side of the property, as shown on the submitted site plan, will obstruct access due to insufficient turnaround radius from a civil engineering perspective.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, DPC



Thomas A. Parker, P.L.S.
Director of Land Surveying

Planning Board

May 19th 2026

Re: Kearl revised site plan

Flooding concerns with solid structures on the shoreline of Cayuga Lake

I would appreciate a definition of a structure. According to NY state concrete pads and walls are considered to be structures as they are permanently attached to the soil. There are regulations for setbacks for structures. In the Ulysses zoning code it is 50' back from the high-water mark. (bottom of chart 212-47). The placement of the concrete pad violates this part of the code as it is at the high water mark and not 50' back.

In addition, structures near the water present a flooding hazard as they harden the beach and during a flood the water will be diverted to neighboring properties and possibly damage beach wells by clogging them with silt and debris. There is past and current history of flooding on Cayuga Lake. There was massive flooding in 1972 and in 2018 where the water came up well above the high water mark, destroyed docks and even reached steps of houses on the beach. The past two years Cayuga Lake has been at or above flood stage along several areas of the shoreline. It is not impossible to predict that flooding will likely occur in the future . It is the lowest of all the Finger Lakes and the water will have nowhere else to go.

In this light allowing construction of solid permanent structures less than 50' from the high water mark poses a danger should not be allowed per the zoning code.

Can you please supply me with the documentation the shows when and how Mr. Kearl was permitted to install his concrete pad on his beach. Now that he is proposing to install a solid structure stone wall at the high water mark this is an additional concern for the safety of all the properties in the vicinity in the event of flooding.

Leslie Webster

1509 Taughannock Blvd

