



**Planning Board  
Zoom Hybrid Meeting  
Meeting Minutes  
June 6, 2023  
Approved: July 18, 2023**

**Board Members Present:** Linda Liddle, Mo Klein, Rebecca Schneider, Matt Bishop, and Chair Pete Angie  
**Board Members Absent:** Elisabeth Garner  
**Quorum Present**

**Others Present:** Bart Gragg, Caryn Mlodzianowski, Karen Benjamin, Deb Traunstein, Karl Klankowski, Matt Hatton, Scott Sherwood, Hunter Sherwood, Karen Bartishevich, Kristin Savard, Sara Meeker  
**Town Board Members:** Rich Goldman  
**Town Staff:** Niels Tygesen, Mollie Duell

**Proceedings**

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

**Approval of Agenda**

**Motion:** Klein made a motion to approve the agenda draft; Schneider seconded the motion.

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

**Motion Carried.**

**Approval of Previous Minutes**

**Motion:** Klein made a motion to approve the April 4<sup>th</sup> meeting minutes; Liddle seconded the motion.

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

**Motion Carried.**

**Motion:** Klein made a motion to approve the May 2<sup>nd</sup> meeting minutes; Liddle seconded the motion.

**Vote:** Chair Angie aye; Klein aye; Liddle aye; Schneider 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**

**SPP2301-01: Klankowski Tram Project, Site Plan Review**

The applicant originally proposed to construct an 80' tram from the upper portion of the lot to the lower level above the shoreline of Cayuga Lake during the February 7<sup>th</sup> meeting. The project required a few area variances from the BZA. The project was granted approval with conditions on all requested variances during the April 19<sup>th</sup> BZA meeting. The updated site plan, drawn in accordance with approved variances and conditions, was presented to the Planning Board.

Chair Angie listed the next steps of the application process. After The Board accepts the application, the public must be notified, specifically the neighbors of the applicant, before final approval. No Board members requested any further information from the applicant, acknowledging the photos and other application materials thoroughly explained the project. Tygesen reminded The Board that notice had

already been provided by the BZA, as well as a public hearing. Although another hearing will not be required, notices will be sent again. After briefly discussing appropriate means to notify the public, The Board determined posting on-site signage and sending notices by mail to residents who may not be in town should be sufficient.

**Motion:** Klein made a motion to accept the application as written; Schneider seconded.

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

**Motion Carried.**

**Motion:** Klein made a motion to make Bishop a voting member for the meeting; Schneider second.

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

**Motion Carried.**

**Motion:** Liddle made a motion to provide notice to the public through on-site signage and mailers, and to schedule further site plan review at the June 20<sup>th</sup> Planning Board meeting; Schneider seconded.

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

**Motion Carried.**

#### **MNSUB2302-01: Benjamin 2 Lot Land Division, Referral for Comments to the BZA**

The Board was presented with the minor subdivision proposal during the March 7<sup>th</sup> meeting. The applicant has proposed to subdivide the existing 15.07-acre lot into two lots. The applicant has proposed a new configuration for the proposed lot which will require an area variance from the BZA.

Karen Benjamin, the property owner, introduced herself, and explained the proposal from Katrina Morse, the applicant. Chair Angie noted that a flag lot that strictly conforms to zoning code is not desirable as it would create a strangely formed lot. The updated proposal makes more sense than the previous layout although it will require a variance. The applicants requested a timeline; Chair Angie stated that the Planning Board cannot offer any timeline information about the BZA's meetings or decisions. Discussion ensued on Planning Board tentative dates. There will be no Planning Board meeting at the beginning of next month due to the July 4<sup>th</sup> Holiday. Goldman clarified the public hearing date will depend on how the BZA proceeds.

Schneider recommended reconsidering the placement of the proposed well, noting it is located too close to the roadway, which could result in pollution from street activity such as runoff of salt, de-icing agents, and any other possible contaminants. Chair Angie stated that The Board had no other concerns with the proposed layout of the subdivision.

**Motion:** Klein made a motion for the Board to provide comment to the Board of Zoning Appeals stating the Planning Board unanimously concluded that the proposed project does not pose a detrimental environmental impact to the site or to the character of the surrounding community; Bishop seconded.

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

**Motion Carried.**

#### **SPP2303-02: New Women's Residential Addiction Recovery Center, Site Plan-Special Permit Review**

During the May 2<sup>nd</sup> meeting, The Board reviewed the proposed new two-story detached building, approximately 13,385 sqft, to be used as a 25-bed facility associated with the existing Cayuga Addiction Recovery Services. Additional materials were requested from the applicant.

The Board requested details about the proposed fire retention system and plans for additional water supply. A letter outlining the proposed fire retention system was recently received; Chair Angie reviewed the letter and explained the proposal. A cistern is planned to hold water to be used in case of a fire. Schneider asked about the maintenance of the cistern and noted current dry weather conditions. Klein noted that this type of cistern is an enclosed tank, and the water will not evaporate or decrease in volume. The cistern will be loaded manually and will not rely on collecting water through natural means.

Chair Angie noted the status of the SEQR determination was unclear. Previously, The Board was unsure of the SEQR from 2019 remaining valid until further details were confirmed. Now that it is certain that a pond will not be constructed, Chair Angie stated that he was comfortable in reaffirming the SEQR, and asked for Board member's thoughts.

Liddle asked for clarification about the restrictive covenant. Due to the onset of the COVID-19 pandemic, there were multiple interruptions in the project. In October 2019, an area variance was approved with conditions; the variance allowed greater than 5% lot coverage, which would be exceeded with the construction of the new building. The conditions for the variance included requiring a 500-year stormwater plan and filing a restrictive covenant over the entire CARS property, which lies partly within Tompkins County and partly within Schuyler County. Following BZA approval, the Site Plan was approved by the Planning Board. The project was paused since 2020 due to the COVID-19 pandemic shutdown. Zoning changes also happened within the Town, changing the zone from R1: Residential, to A/R: Agricultural/Rural. The covenant will be recorded upon receipt of all Town approvals and prior to building certificate of occupancy.

Tygesen noted that the 500-year stormwater management plan is still required per the condition of the BZA variance, and that any change to that will require BZA approval. Savard explained that until the 500-year storm requirement is revisited by the BZA, grading and related issues are waiting finalization; Savard believes removing the 500-year storm requirement is a better decision for the environment, as it will require less disturbance. Some aspects of the plan may change depending on BZA decisions, but if no changes are requested by the BZA, plans should remain as they are currently proposed.

**Motion:** Schneider made a motion to reaffirm the 2019 SEQR negative declaration; Liddle seconded the motion.

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

**Motion Carried.**

Discussion ensued on whether a resolution needed to be made to reaffirm the determination. For now, verbal affirmation will suffice according to Sara Meeker, Town Counsel.

### **Planning Board Resolution No. 2023-003**

#### **A Resolution Affirming Previous SEQR Determination for the New Women's Residential Addiction Recovery Center Located at 6621 Route 227, Town of Ulysses, Tax Parcel 22-.2-4**

WHEREAS, the Planning Board finds the following:

1. The Planning Board on September 3, 2019 issued a negative declaration for the proposed project; and
2. The Planning Board on June 6, 2023 considered the amended proposal and determined that no

substantive changes are proposed for the project, no substantive new information was discovered, and no substantive changes in circumstances related to the project have arisen that were not previously considered.

NOW, THEREFORE, THE PLANNING BOARD RESOLVES THE FOLLOWING:

That the Town of Ulysses Planning Board hereby affirms and upholds the previous 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 Environmental Assessment Form, and therefore neither an amendment or rescission of the negative declaration is required under 6 CRR-NY 617.7.E or F respectively, and furthermore, an Environmental Impact Statement will not be required.

**Motion:** Klein made a motion to approve Resolution 2023-003; Schneider seconded the motion.

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

**Motion carried.**

#### **SPR2303-01: Retail Store – Dollar General, Site Plan Review**

The Board was briefed on the project proposal to construct a new 10,640 sqft retail store with associated lighting, signage, landscaping, parking, etc. during the April 4<sup>th</sup> meeting. Additional materials were requested from the applicant, Ithaca DNYL LLC.

The identity of the proposed store was unconfirmed at the previous meeting. Currently, the structure is planned to house a Dollar General retail store. The project is located on NYS Rte. 96, north of Iradell Road, in the OTMU (Office and Technology Mixed Use) Zone. The area to be developed is currently part of a larger agricultural parcel; the site is planned to be subdivided into its own parcel.

Mlodzianowski described recent developments within the proposal and presented plan drawings which depict the layout of the building, plans for landscaping, and plans for parking. The front of the site will have a berm that helps direct storm water. Extra capacity for water is planned for the site, using multiple basins with various depths. For safety measures, a fence surrounding the water is required. The Board was previously concerned with the visual character of the proposed store. Board Members requested that the applicants consider alternative aesthetic choices to reflect the appearance of the surrounding area. Klein noted that a rendering of the store viewed from the highway would be helpful.

The fence has been revised, and shrubs such as spicebush, spiraea, and boxwood are being proposed to screen some of the fence. Liddle mentioned that deer do not like these plants. Schneider noted that these shrubs need more moisture and they should do well near the stormwater system, but they may need above-average maintenance. Other landscaping plans include planting 7 trees, as well as integrating green space within the parking lot, which will have 35 spaces. Mlodzianowski stated that the Department of Transportation has accepted the stormwater plan.

The septic system is proposed to be constructed behind the building; the permit has been approved. The system will have a capacity of 200 gallons per day, which is greater than usage levels that have been documented in similar stores, which have shown less than 100 gallons per day is required. A permit is approved for the septic system.

Liddle asked how many signs will be constructed. Mlodzianowski confirmed there will be 2 signs, one on the building and one freestanding. Signage will need to be approved separately by the Planning Board. Mlodzianowski confirmed that the berm is on top of the cistern. Chair Angie asked if it could be hidden somehow, perhaps lowered. The Board briefly discussed possible ways to improve aesthetic issues.

Mlodzianowski accepted suggestions to present to the developers.

Chair Angie stated that the application seems to provide enough information to be accepted, and proposed scheduling a public hearing. After briefly discussing the materials and the information that was presented, The Board decided the application was sufficient.

**Motion:** Schneider made a motion to accept the application; Liddle seconded.

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

**Motion Carried.**

**Motion:** Schneider made a motion to schedule a public hearing for July 18<sup>th</sup>; Liddle seconded.

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

**Motion Carried.**

Mlodzianowski inquired about SEQR. Tygesen clarified that The Board will act as lead agency, and 239 review will be done by the county.

Schneider appreciated the concern from The Board regarding the appearance of the proposed structure and asked if current zoning regulations are fulfilling the goals of the town. There are no laws in place to enforce the aesthetic appearance of structures; Schneider suggested continuing to discuss revising any codes that could benefit from adjustments, including issues broader than appearance restrictions.

### **New Business Items**

#### **MNSUB2304-001: SHH Properties, LLC 2 Lot Land Division, Sketch Plat Review**

The applicant has proposed a minor subdivision for the subject site, dividing the existing 103.52-acre lot into two lots: one new parcel, 'Parcel 1', approximately 2.51 acres in area is proposed, and approximately 1.38 acres is proposed to be conveyed to parcel 26.-1-5.3. 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 subject property is adjacent to Spruce Row Campground. The owners explained that they plan to subdivide the campground to provide a family member with land to build a house, and mentioned that lots have previously been divided out for other family members; this proposal intends to emulate the family's past subdivisions.

Schneider noted there are wetlands on the property and asked about their specific location. Sherwood stated that these lands are not close to the proposed land to be divided. Discussion ensued on the exact lot line adjustments and divisions that are being proposed, and if any BZA approval will be required. Chair Angie noted there is non-conforming frontage from previous zoning laws, which only required 200 ft of lot frontage rather than the current standard of 400 ft in this zone. A redrawn map was requested from the applicant in order to understand the scope of the multiple adjustments being made, and to determine if any BZA approval will be necessary.

The Board asked to see a map with the entire parcel in order to better understand the proposed layout, and further requested that all subdivision proposals contain broader survey maps.

#### **MNSUB2304-002: Bartishevich 2 Lot Land Division, Sketch Plat Review**

The applicant and property owner, Karen Bartishevich, applied for a minor subdivision for the subject site to subdivide the existing 33.3-acre lot into two lots; 'Parcel A' approximately 15.55 acres, and 'Parcel

B' approximately 17.75 acres, which will retain the existing house and site improvements. 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.

Bartishevich explained the proposal and noted that the land to be subdivided had previously been purchased and absorbed into their property. The land that is proposed to be subdivided reflects previous lot line formations. This land, which Bartishevich intends to sell, is under an easement from the Finger Lakes Land Trust (FLLT). Bartishevich explained the land was originally purchased in an effort to protect it. Schneider requested more clarity about the conservation easement with the FLLT. Currently the proposed parcel consists of one large piece of wooded land and some walking trails that Bartishevich has maintained. Schneider noted no building can occur in an easement and asked about specific allowances for Parcel A. Bartishevich explained that 1 acre of Parcel A is allowed to be cleared and developed, which was established upon purchase. Bartishevich elaborated on the role of FLLT and spoke about yearly walkthroughs and reviews of the land. Schneider requested further review and a confirmation that FLLT is comfortable with the plans to divide and sell the land. Bartishevich responded that this would be simple to provide, and Chair Angie suggested proceeding with scheduling a public hearing for June 20<sup>th</sup>.

**Motion:** Schneider made a motion to schedule a public hearing for June 20<sup>th</sup>; Liddle seconded.

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

**Motion Carried.**

#### **MNSUB2304-003: Waterburg Heights, LLC 2 Lot Land Division, Sketch Plat Review**

The applicant and property owner, Kyle Koskinen – Waterburg Heights, LLC, applied for a minor subdivision for the subject site to subdivide the existing 114.28-acre vacant lot into two lots; 'Parcel A' approximately 83.25 acres, and 'Parcel B' approximately 31.026 acres. 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.

The applicant was not present at the meeting. The Board discussed the proposal; Chair Angie noted the subdivision proposal is straightforward. The Board repeated their earlier concern that survey maps for subdivisions should show the entire property to show a clearer plan, not only the area to be divided.

**Motion:** Schneider made a motion to schedule a public hearing for the subdivision proposal on June 20<sup>th</sup>; Liddle seconded the motion.

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

**Motion Carried.**

#### **Comprehensive Plan Update Report**

Tygesen briefed The Board on recent Comprehensive Plan Steering Committee meetings. An additional member slot is available, and a representative from the lakeshore is desired. The next Comprehensive Plan Steering Committee meeting will be held on Wednesday, June 14<sup>th</sup>.

Schneider explained the assignment that CPSC members had been working on since the previous meeting, which involves reviewing and comparing Comprehensive Plans from other municipalities to the existing plan for the Town of Ulysses.

**Town Board Liaison Report**

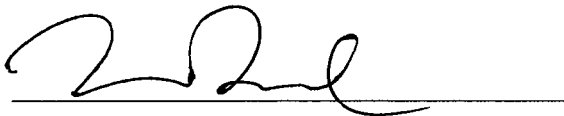
Goldman asked about adding a 5<sup>th</sup> member to the Planning Board. Chair Angie mentioned that there is a possible candidate to reach out to.

**Motion:** Schneider made a motion to adjourn the meeting; Bishop seconded the motion.

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

**Motion Carried.**

**ADJOURNED 8:50 PM**

A handwritten signature in black ink, appearing to read 'Mollie Duell', is written over a horizontal line.

Mollie Duell

Planning Board Secretary