



**Planning Board  
Zoom Hybrid Meeting  
Meeting Minutes  
August 01, 2023  
Approved: September 5, 2023**

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

**Applicants Present:** Mark Washburn, Chris Boyea, Wendy Marsh, Kristin Savard  
**Town Board Liaison Present:** Rich Goldman  
**Town Staff Present:** Niels Tygesen, Mollie Duell  
**Members of the Public Present:** Celia Clement, Dorianne Almann, Barbara Van Dyke, Steve Cobb, Amy Panek, Joe Gaetano, Sue Tierney, Francis Durante, Judith Johnson, Sally Taylert, Don Taylert, Brad Buell, Jeff Brown, James Brown, Hunter Sherwood, Dan Clement, Douglas Snyder, Maria Haight, Penny McGuire, Charles Haupt, Ross Johnson, Amelia Christian, Shanna Mackey, Jordan Bonafede, Barbara Horton

**Proceedings**

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

**Approval of Agenda**

**Motion:** Schneider made a motion to approve the agenda; Liddle seconded.  
**Vote:** Liddle, aye; Klein, aye; Schneider, aye; and Chair Angie, aye.  
**Motion Carried.**

**Approval of Previous Minutes**

**Motion:** Klein made a motion to approve the July 18 meeting minutes; Schneider seconded.  
**Vote:** Liddle, aye; Klein, aye; Schneider, aye; and Chair 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**

**MNSUB2306-01: Washburn 2 Lot Land Division, Final Plat Review**

The applicants and property owners, Heather and Mark Washburn, applied for a minor subdivision for the subject site to subdivide the existing 89.343 acre lot into two lots; 'Parcel 1', approximately 59.345 acres, and 'Parcel 2', approximately 30 acres. The Planning Board conducted sketch plat review during the July 18th meeting, requested information related to topography, and gave direction on public hearing requirements for final plat review.

Washburn explained the need for the subdivision, highlighting the growth in property values throughout the town, subsequent rise in property taxes, and inevitable unaffordability of continuing to own the entire parcel of land as a single family; Washburn noted the farm has been in his wife's family for a century.

Schneider acknowledged the issue of rising property costs.

Discussion ensued on how the land will be accessed after the subdivision, and how the strip of land used for field access is not considered a flag lot.

Liddle asked if there is a bridge over the stream. Washburn responded yes, there is a small bridge going over the stream, but it will not sustain 40 foot farm equipment, and the cost to put in a culvert is excessive.

Chair Angie opened the public hearing at 7:06 PM.

Brad Buell of 5251 Krums Corners Road spoke about the proposed subdivision and noted that the land division was not concerning; however the suggested proposed use in the future presents a troubling change for him.

The public comment portion of the hearing was briefly paused as discussion ensued over the proposed use of the land. As information about what may happen to the land after division and sale has only recently developed, Board members noted they were not aware of plans beyond subdivision.

Buell summarized a document that had been distributed publicly, stating that this document explained that the Town of Ulysses is planning to purchase the land to create recreational fields; Buell raised concerns about the potential rise in traffic that a recreational center would bring to the neighborhood.

Jim Brown of 5118 Dubois Rd spoke about his opposition to the proposed use of the land in the future, questioning why this was not mentioned in the details about tonight's meeting, and additionally noting concerns about the lack of utilities on the land.

Angie paused the hearing to address the concerns about the proposed use of the land after division and sale, and explained that tonight's scheduled hearing pertains only to the proposed subdivision. Angie noted that property owners, when choosing to subdivide, may have any intended use for their land. Angie highlighted that the concern for this evening's meeting is solely for the subdivision of this parcel, not what may or may not be built on this parcel following subdivision. Board members acknowledged that information was not being omitted for any purpose other than that they had not yet learned of these details.

Angie continued to explain that any proposed future uses would come before the Planning Board, as well as the BZA and Town Board when applicable; additional hearings related to land use plans would happen in a multi-step process.

Angie reiterated that tonight's hearing focuses only on subdividing the parcel before resuming the public hearing.

Steve Cobb of 5160 Krums Corners Road noted that he had no issues with the proposed subdivision, and acknowledged that his comments were better suited for a future meeting related to eventual land use plans.

Dan Clement of 5270 Dubois Road requested that the Planning Board reopen general comments not pertaining to items on the agenda.

Discussion ensued on procedures for collecting comments for a public hearing and potential future hearings. Angie stated that comments should be saved for the applicable hearings or written and sent to the town. Schneider suggested that the public begin writing letters to the Town Board to begin collecting comments for future proposals, to be addressed during the appropriate time.

Goldman suggested having a second Privilege of the Floor at the end of the meeting. The Planning Board agreed to accept general public comments towards the end of the meeting.

Hunter Sherwood of 2235 Kraft Rd stated that he has no issues with the proposed subdivision, but requested that the Town provide notices about hearings further in advance, noting the mailer had been delivered only a few days before the meeting.

**Motion:** Liddle made a motion to close the hearing; Schneider seconded the motion.

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

**Motion Carried.**

Public hearing closed at 7:17 PM.

Schneider expressed appreciation for community members attending meetings and voicing their concerns, and acknowledged that efforts to provide notice further in advance would be made.

Schneider noted that there seems to be information that the Planning Board is not yet aware of, and details need to be clarified with the Town Board before discussing proposed uses further.

Liddle added that she started hearing about the recreational fields earlier in the week, but did not realize this proposed subdivision was the property being discussed. Angie and Klein stated that they were unaware of the recreational fields.

Schneider and Angie agreed that as far as subdivision regulations go, the proposal meets requirements for frontage and acreage, and the request is not unusual.

The Planning Board discussed the SEQR; no concerns were noted by any Board members.

**Motion:** Schneider made a motion to approve Resolution 2023-013, A Resolution of SEQR Determination for the Washburn 2 Lot Land Division Located at 2141 Kraft Road, Town of Ulysses, Tax Parcel 26.-1-6.22; Liddle seconded.

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

**Motion Carried.**

**Motion:** Liddle made a motion to approve Resolution 2023-014, A Resolution of Final Subdivision Approval of the Washburn 2 Lot Land Division Located at 2141 Kraft Road, Town of Ulysses, Tax Parcel 26.-1-6.22; Schneider seconded.

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

**Motion Carried.**

### **SPR2303-01: Dollar General Site Plan Review, Public Hearing**

The applicant, Ithaca DNYL LLC, on behalf of the property owner, Gates Acres LLC, applied for a site plan review to construct a new 10,640± sf retail store for Dollar General with associated parking, lighting, signage, landscaping, etc.

Angie noted alternative exterior designs have not yet been presented, and explained that the comments from the public will need to be weighed against the requirements of site plan reviews and the Town's Comprehensive Plan.

Tygesen clarified that a special permit is not needed for this proposal because the subject property is located in the OTMU zone and the proposed use is permitted through site plan review.

Chris Boyea of Boehler Engineering discussed the proposal in relation to public comments, highlighting

the general themes expressed thus far: need, appearance, effect on property values, traffic, and the impact on the character of the neighborhood.

Regarding need, Boyea pointed out that zoning allows this proposal, and other established businesses are located close to the site. The proposed use is allowed in the OTMU zone.

Addressing the appearance of the store, Boyea stated that concerns have been discussed with Dollar General and the developer. Many community members agreed with Planning Board members that the proposed exterior of the store is a glaring eyesore. Boyea noted that addressing this issue will add significant cost in addition to landscaping that has already been added at the request of the Town.

Boyea noted that the applicants have not brought much new information since the July 18 meeting, and the purpose of tonight's meeting is to gather information on how to proceed with the proposal while mitigating concerns from the community.

Boyea addressed concerns about the store decreasing residential property values. Boyea expressed the belief that because zoning allows the proposed use, the presence of Dollar General will be comparable to the businesses that are already established in the area.

Boyea discussed the concerns from the community about traffic safety. Boyea stated that Dollar General is a local business, referring to the fact that although Dollar General is a national corporation with thousands of stores located across the country, the number of stores ensures that residents from out of town will not need to travel a great distance to shop. Boyea stated that the store will serve the community that is already passing by the store, instead of bringing more cars onto the highway. Regarding delivery trucks, Boyea noted that large trucks will only access the store once per week, while box trucks will deliver smaller orders in between.

Boyea addressed the impact on the character of the neighborhood, stating that the store will be located 144.5 feet back from the face of the road, and including the right of way, the distance would total about 160 feet. Boyea acknowledged the chain-link fence in the front of the property has raised concerns about aesthetics and noted that although these fences are typical, there could be options to mitigate the unfavorable appearance it would bring.

Discussion ensued over extending the public hearing.

Angie noted that he would like to see how quickly the requested materials can be provided before determining how long to keep the hearing open.

The public hearing for SPR2302-01 began at the July 18 Planning Board meeting. Chair Angie reopened public comment for tonight's meeting at 7:37 PM.

[Ross Johnson of 1535 Trumansburg Road](#) raised concerns about property values being impacted, presenting a market analysis that had been made on his home, which showed that a Dollar General being built in their neighborhood would cause a \$49,000 decrease in his home's value.

Dorianne Almann of 6140 Willow Creek Road spoke about the project in relation to the Town's Comprehensive Plan, questioning how the proposed store meets various objectives in the plan.

Sally Taylert of 1531 Trumansburg Road spoke about OSHA violations the company has faced, as well as staffing issues at other local stores.

[Maria Haight of 1539 Trumansburg Road](#) spoke about how the character of the neighborhood and property values would be impacted by the presence of the store.

Charles Houpt of 1515 Trumansburg Road spoke about traffic safety concerns, mentioning that more turning on the highway increases the risk of dangerous incidents.

Katherine Houpt of 1515 Trumansburg Road raised concern about the safety of the pedestrians, noting the apartment complexes in the vicinity of the site and the lack of sidewalks on Route 96.

Francis Durante of 1537 Trumansburg Road spoke about OSHA fines the company has faced and his concerns about the location of the proposed store not being ideal.

Angie reviewed § 212-19.E.3.B, approval criteria for site plan review:

“The project shall be sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property. In areas where agriculture is permitted use, the project should not have a significant adverse impact upon the agricultural use of neighboring properties.”

Angie noted that the visual appearance of the store, as well as broader issues such as light pollution and property values being impacted, are potentially conflicting with this section of the code.

Klein noted that § 212-19.D.3 indicates that a large development requires a detailed traffic study, and this proposal is quite large in relation to the surrounding area. Klein supported requesting a traffic study.

Schneider related the proposal to the objectives of the Town’s Comprehensive Plan, which contains language about focusing on developments maintaining harmony with surroundings, in order to protect the appearance of the town and the town’s economic viability. Schneider noted that many public comments have already raised concerns that this proposed store conflicts with the Comprehensive Plan’s objectives.

Schneider continued to review the numerous concerns raised by the community so far, and highlighted that the potential impact on property values is not trivial, before noting concerns with current landscape plans.

Schneider referenced sections of the Ulysses Town Code that suggest more is needed for these plans:

- § 212-19.A: The purpose of this section is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure, or the natural environment.
- § 212-121.E.3: Where any parking lot is located along, within 50 feet of, and visible from a public right-of-way, the parking lot must be screened by a vegetated buffer, per § 212-124.
- § 212-121.E.5: Where any parking lot is larger than nine spaces the parking lot must be screened by a vegetated buffer yard, designed per § 212-124.

Discussion ensued on the intent of establishing an OTMU zone and the location in which the store is being proposed.

Liddle agreed with earlier comments that there are safety issues with pedestrians walking to the store on the busy road. Klein added that the only way to get to the store safely is by car, since there is no sidewalk or bike path.

Liddle acknowledged that the appearances of well-maintained neighboring residences are highly contrasted with the proposed design of the storefront, before addressing the concerns about lighting; Liddle mentioned that other local Dollar General locations have left lights on through the night after closing.

Schneider noted that farmers from out of state are relocating to the area due to the challenges faced when farming in areas such as the southwest, and expressed concern that this land should not have been zoned for non-agricultural purposes.

Liddle added that the OTMU zone seems to lack consideration of what is located in the area directly surrounding it and suggested it would be beneficial to review the intent of establishing this zone.

Schneider spoke about businesses in the Town that have incorporated design elements that shield the view of structures that conflict with the surrounding character of the neighborhood, such as a building that used a silo to hide an elevator. Schneider noted that efforts needed to be made in protecting the gateway to the town, as stated in the Comprehensive Plan.

Klein spoke about the lack of details in the Comprehensive Plan regarding the intended function of the OTMU zone beyond allowing commercial structures in general.

Liddle suggested that other locations for the store need to be further considered.

Klein added that other locations were reviewed before deciding on the currently proposed site, including other locations on Route 96 which were closer to Ithaca.

Boyea stated that zoning is being complied with, and concerns about issues that would result from the proposed store would have been considered when originally creating the zone. Boyea noted that this site was chosen because it is a commercial zone.

Boyea stated that buffering and lighting would be looked at further, and public comments would be considered in possible amendments to the site plan.

Schneider agreed that a traffic study should be done that includes pedestrian use and noted that creating sidewalks would be a significant expense for the Town.

Angie suggested further concealing the view of parking.

Boyea acknowledged that the developers are open to meeting requests that are beyond what the code requires.

Angie added that solving aesthetic issues will not mitigate concerns about safety, and property values may still be significantly impacted.

Angie indicated that the chain-link fence is the most egregious visual problem.

Schneider noted that she will push for an effort to develop aesthetic appearance standards during the Comprehensive Plan update.

Goldman expressed interest in researching the reported labor violations further. Schneider asked Boyea if these allegations are true.

Boyea responded that he could not provide a statement about the alleged violations, because he is not a representative for the company. Boyea is employed for the engineering firm that is developing the structure on behalf of Dollar General.

Angie suggested keeping public comment open until the requested information is provided.

**Motion:** Klein made a motion to keep the public comment open until the requested information has been provided and presented; Schneider seconded.

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

**Motion Carried.**

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

The applicant and property owner, Ithaca Alpha House Center, Inc. DBA Cayuga Addiction Recovery Services, applied for site plan and special permit review for the subject site noted above. 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 A/R zone permits rehabilitation facilities subject to a special permit and site plan review per Ulysses Town Code (UTC) 212-28.L and UTC 212-18.C.1.

Wendy Marsh summarized the timeline of the project thus far, noting that the 500 year storm design has been included in the proposal.

Marsh noted that the BZA will hold a hearing about the sought variances on August 16, and the objective of tonight’s discussion with the Planning Board is to determine if the applicant is in the position to proceed with a public hearing.

Discussion ensued over changes that have been made to the plans.

Chair Angie asked if there have been significant changes in the landscape. Savard walked through the changes on the plans, explaining that the applicants were hoping to proceed without developing the 500 year storm plan; since the request was denied by the BZA, the stormwater plans are staying. Savard stated that the plan was part of the originally approved site plan. Other changes include the size of the building being reduced and some pavement being removed. Savard noted that the ponds have been revised.

Discussion ensued over how the dry detention pond would function.

Schneider stated that she was satisfied with the presented stormwater plans and acknowledged that significant progress has been made.

Chair Angie stated that it seems like there is enough information to hold a public hearing on August 15. Discussion ensued over how to sufficiently notify neighbors about the upcoming hearing.

Marsh stated that hand delivery of notices would be attempted.

Tygesen stated that notices could be mailed by the Town before the end of the week.

**Motion:** Klein made a motion to hold the public hearing during the August 15 meeting; Schneider seconded.

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

### **Motion Carried.**

Angie noted that an updated rendering of the entire proposed site would be beneficial for the public hearing.

## **New Business Items**

### **MNSUB2306-02: Ithaca DNYL LLC 2 Lot Land Division, Sketch Plat Review**

The applicant and property owner, Ithaca (96) DNYP, LLC, applied for a minor subdivision for the subject site to subdivide the existing 38.25 acre lot into two lots; ‘Lot 1’, approximately 2.354 acres in area, and ‘Lot 2’, approximately 36.941 acres. The OTMU zone (Lot 1) has no minimum lot area, minimum lot depth, or minimum lot width at the front line requirements per Ulysses Town Code (UTC) 212-108. 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 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.

The Planning Board discussed what further information would be needed from the applicants before deciding to table further discussion about the proposed subdivision.

**Motion:** Klein made a motion to table the sketch plat review for MNSUB2306-02; Liddle seconded.

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

**Motion Carried.**

### **Town Board Liaison Report**

Goldman stated that details about Dollar General's alleged OSHA violations need to be clarified; Goldman raised the question of what abilities Towns have in rejecting companies that are proven to be guilty of these violations. Goldman acknowledged that it is understandable that a community would not want a company of this nature to establish a location in their Town, and questioned how these objectives could be included in the Comprehensive Plan update.

Liddle stated that there are currently no details in the Plan about quality requirements of businesses. Klein stated that there are details about requirements pertaining to need.

Schneider asked if this proposal is can be referred to the Town Board for recommendations, suggesting that the situation seems significant enough.

Discussion ensued about legal procedures regarding the application in relation to the responsibilities of the Town Board and the Planning Board.

Nate VanWhy stated that he would look into the issue further.

### **Second Privilege of the Floor**

The second Privilege of the Floor began at 9:09 PM.

Dan Clement of 5270 Dubois Rd spoke about the proposed use of Washburn's subdivided land, raising concerns over the potential conflicts that the creation of fields would bring to the adjacent neighbors.

Privilege of the floor was paused as Washburn provided further details on what led to the decision to subdivide and sell land. Washburn noted that the first option was selling the land to a developer. Although zoning restricts further subdivision of flag lots, it does allow a developer to create new roads and numerous lots for smaller residences, through the process of a cluster subdivision. Washburn acknowledged that selling land to a developer would be significantly more profitable than selling the land to the town, but Washburn considered the impact of such a development to be unfavorable to the current residents.

Washburn stated that his family was approached by the Town, which has been seeking land in an attempt to create recreational space for the community. Washburn shared the belief that this land would be used to benefit the community for generations to come, with input from residents on how it could be used, and this would be far preferable than numerous new houses being constructed as a result of a cluster subdivision.

Jordan Bonafede of 8011 Falls Road expressed support for developing recreational space on the land, and shared the challenges he has face as a youth soccer coach. With the lack of available playing space



in the Ulysses, youth sports have been forced to commute to Ithaca or Lansing to use fields.

Francis Durante of 1537 Trumansburg Road spoke about the rise in development that is spreading out from Ithaca as available space decreases closer to the city. Durante noted that this process will continue for decades to come, and now is the time to plan how to manage the future.

Amelia Christian of 1535 Trumansburg Rd asked how application materials can be accessed by interested members of the public.

Angie spoke about accessing materials on the Town's website and improvements that could be made. Materials are submitted at least 3 weeks in advance of a meeting.

Penny McGuire of 6560 Route 227 noted concerns about the CARS proposal, mentioning repeated noise and light disturbances from the property she has endured for years.


Chair Angie stated that there could possibly be compliance issues in relation to the lighting and parking lot if a sufficient vegetative buffer does not exist, but further examination is needed.

**Motion:** Klein made a motion to adjourn the meeting; Liddle seconded the motion.

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

**Motion Carried.**

**ADJOURNED 9:32 PM**



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Mollie Duell

Planning Board Secretary